

SUPREME COURT DECIDES AGAINST WALTER G. SMITH

**Frear and Galbraith Uphold Action
of the Circuit Court In
Contempt Case.**

**Perry, In a Strong Opinion, Dissents From the
Court's Opinion and Holds That Constructive
Contempt Cannot Be Punished.**

AFTER more than two months of deliberation a majority of the Supreme Court yesterday affirmed the decision of the Circuit Court, adjudging Walter G. Smith, Editor of the Advertiser, guilty of contempt, and remanding him to the custody of the High Sheriff to serve a term of thirty days imprisonment.

As there appears to be a Federal question involved Mr. Smith's attorneys will present their application for a writ of habeas corpus to the United States District Court this morning and push the matter to the last step before abandoning it.

In the case of ex parte Walter G. Smith, the court remains the prisoner to the custody of the High Sheriff; the opinion of the court will be filed. With these words from Chief Justice Frear, the Supreme Court, Justice Perry dissenting, yesterday affirmed the decision of the Circuit Court, finding Mr. Smith guilty of contempt and sentencing him to prison for thirty days.

There were but few people in the court room yesterday afternoon at 3 o'clock, when the three Justices filed slowly into the room, and took their places on the bench. Mr. Smith was present in person, and was represented by Smith & Lewis and Loria Andrews, while George Davis appeared for the Circuit Judges, who remained outside in the clerk's office as the decision was announced. There were besides three or four attorneys in the court room when the judgment was given.

Following the order made by Chief Justice Frear, the members of the court left the room, the opinion having been given to Clerk George Lucas. Davis got possession of the original and after it had been shown to a few attorneys, he hurried into the clerk's office, where Judges Humphreys and Gear were in waiting. They spent the next hour in poring over its pages and commenting on the opinions of the three Judges. Mr. Smith was at once placed in the custody of Sheriff Chillingworth.

ESTEE WOULD ISSUE WRIT.
In the meantime attempt was made to secure a new writ from Judge Estee, but because of the lateness of the hour this was given up until morning. Judge Estee very accommodatingly agreed to wait until 5 o'clock to sign the papers, and stated that he would issue the writ of habeas corpus and hold court at 8 o'clock in the evening to hear the matter if the attorneys so desired. The attorneys found it impossible to prepare the necessary papers and further action was postponed until this morning.

THE DECISION.
The decision of the Supreme Court remanding the prisoner to the custody of the High Sheriff is a voluminous one. It is written by Chief Justice Frear, and Justice Galbraith writes a concurring opinion. Justice Perry dissents and also has a lengthy opinion.

The following is the syllabus governing the opinion of the majority:

"On habeas corpus to test the validity of a judgment for contempt the court may consider questions of jurisdiction only and not questions of mere irregularity of error.

"An reasonable intendments are made in favor of the jurisdiction of superior court of record when their judgments are attacked collaterally.

"Whether an answer under oath by one cited for contempt operates as a purger or not depends on the circumstances.

"Whether all three Judges of the First Circuit may act together as a court or not is immaterial if, when they do sit together, the presiding Judge for the term substantially conducts the proceedings and finally pronounces judgment as if he alone constituted the court, the others being deemed to act in an advisory capacity only."

The opinions are as follows:

**OPINION OF THE COURT, BY
FREAR, C. J.**

The facts and much of the law are set forth in Mr. Justice Perry's dissenting opinion. The case is one of great difficulty.

There is no doubt that the publication in question would be held a contempt at common law—whether it should be regarded as relating to a pending case or to a terminated case, or to the Judge generally without reference to any particular case, or whether it was in the presence of the court or not. There is also no doubt that it should be held a contempt under our statutes, if the decision in the

Bush case, 8 Haw. 221, should be followed; for, according to that decision, the Legislature in providing, by the act of 1898 (P. L. Sec. 262), that constructive attempts should no longer be punishable as such, regarded as constructive attempts only those that were not enumerated in the previous statute (P. L. Sec. 257) and did not mean to include all those that are generally regarded as constructive contempts, and the publication in question clearly comes within at least one of the classes enumerated in the previous statute.

If, therefore, this should be regarded as a case of constructive contempt under the general law, the main question for consideration would be whether the decision in the Bush case should be followed or reversed. Assuming that the decision was sound when it was rendered, there might still be a question whether the publication, if it could be considered as relating only to the terminated case, or to the Judge generally, and not to the pending case, could be regarded as a contempt punishable summarily, now that we have come under the provisions of the Federal Constitution relating to freedom of speech and of the press, which, although not differing materially from the corresponding constitutional provisions in force here when the Bush case was decided, might perhaps be construed differently to some extent. See State v. Circuit Court, 97 Wils. 1.

But must we regard this as a case of constructive contempt under the general law? It may have been such in fact. We may have found it such if we had passed upon the question in the first instance, or we might find it such if the case were here on appeal, or perhaps even on writ of error. But must we regard it as such in these habeas corpus proceedings? The Circuit Court is a court of general and superior jurisdiction. Contempt cases are not appealable or subject to review by writ of error under our statutes. Habeas corpus is a collateral proceeding. In a collateral proceeding mere irregularities and errors cannot be inquired into as on appeal or error; only questions of jurisdiction can be inquired into, and every presumption is indulged in support of the jurisdiction of a superior court. On appeal or error, judgments of superior courts, at least if the jurisdiction is limited, may be set aside, if jurisdiction does not appear on the face of the record, but on habeas corpus they may be set aside only when jurisdiction affirmatively appears to be wanting.

In Cuddy, Petitioner, 131 U. S. 280, the petitioner sought release on habeas corpus from a judgment of contempt. The act constituting the contempt was set forth in the judgment, but it did not appear whether the act was committed in the presence of the court or not and so whether it was covered by the statute or not. Counsel contended that the act was not committed in the court building or while the court was in session, and that the case was therefore distinguishable from another case that was argued and decided at the same time, in which it was held that an act committed in a room near the court room and while the court was in session was "in the presence" of the court. It appeared that the act consisted of an attempt to influence one who had been impaneled as a juror for the term but before he was called for the particular case. Apparently it was in fact as appeared by the record of the lower court, in re Cuddy, 40 Fed. R. 62, but not by the record in the Supreme Court) committed a quarter of a mile from the court house and when the court was not in session. The court said in substance that neither the petition for the writ nor the part of the record of the lower court that was produced showed the particular locality where the act was committed, and that upon a collateral attack by habeas corpus every intendment was made in support of the jurisdiction of superior courts, and remanded the petitioner to custody.

The present case is before us in a very unsatisfactory state. The mittimus seems to refer to two convictions, both, however, apparently intended to cover the same or nearly the same ground, the one referring for the facts to the affidavit on which the charges were issued, the other purporting to set forth the facts and, among other things, stating that the published matter was false, malicious, etc., and had special reference to the case on trial and to the Judge presiding therein, and was circulated and published in the court room during the trial of the case, that it was calculated to and did prejudice the minds of the jury and prevent a fair and impartial trial and was calculated to and did obstruct the court in the administration of justice, and in its duties in the trial of the case then pending and undetermined. What purports to be a transcript of the stenographer's notes of the proceedings shows only one conviction, which refers to the affidavit for the facts. It contains also an oral opinion delivered by another Judge who was with the trial Judge on the bench; also the testimony of certain witnesses, which shows that the jurors in the pending case saw the alleged contemptuous publication in the hall and room adjoining the court room, if not in the court room itself, but does not show what the petitioner had to do with its circulation in or near the court room as distinguished from the city at large, nor does it show whether the court was in session at the time. Whether the presiding Judge himself saw the paper circulated in the court room during the trial does not appear except by the recital in the mittimus. The transcript does not indicate that it contains all the evidence, though there is nothing to show that it does not, nor is the usual stenographer's certificate attached to it, though it is signed by the stenographer, nor was it made a part of the record in this court, nor does it purport to have been filed or to be a part of the record in any court. We would be justified, however, in overlooking these irregularities as counsel on both sides have taken it for granted that the transcript was complete and a part of the record. The affidavit sets forth in substance that the petitioner made and published for circulation the matter in question, intending thereby to throw disrespect upon the Judge and to prevent the former action in a ludicrous, etc., manner, and to prejudice the case in the minds of the public and jury trying the case, and that by reason of said published matter and intending to publish animadversions on the evidence or proceedings in a pending trial tending to prejudice the public respecting the same and to prevent and obstruct the administration, and by knowingly publishing an unfair report of the proceedings of the court and malicious invectives against the court and jury tending to bring the administration of justice into contempt, etc., did commit a contempt of court. No allegation was made in the petition, nor was any offer made in this court to show just where or under what circumstances the publication and circulation took place, nor was any attempt made to show these things in the lower court by the testimony of the witnesses for the petitioner or on cross examination of wit-

A NEW SAINT TO THE RESCUE



nesses against him or in any other manner than by the petitioner's answer, under oath, denying knowledge of the pendency of the second case and alleging that the publication related to the first case only.

The contention that the petitioner thereby purged himself of the contempt cannot avail in this collateral proceeding, considering that the lower court found against him and considering all the circumstances under which that finding was made, assuming that in our opinion the finding was erroneous. We must in these proceedings regard the publication as relating to the pending case.

Thus, it is not clear whether the court found that the publication or circulation took place in the court room or not, and it would seem to be immaterial whether it was in the court room or in the adjoining hall or room, if the other necessary conditions were present. It is not clear whether the court was in session or not. Perhaps that also would be immaterial, if it was during a recess merely or temporary adjournment from one day to the next, and if the other essential features were present. It is not clear whether the petitioner had anything to do with the publication or circulation in or near the court room or not. This is very material, unless the petitioner should be regarded as responsible in law for the publication and circulation there as a natural and probable consequence of the publication and circulation of a paper or such general circulation in the city where the trial was pending. Whether he should be thus held responsible is a nice question, the affirmative being held by very respectable authority, and no argument of authority having been presented on behalf of the petitioner in support of the negative. Whether the decision in the Bush case which, if followed, requires us to remand the petitioner to custody, in any view that can properly be taken of the case on the evidence, should be reversed, is also, to say the least, a nice question—upon which no argument has been presented on behalf of the petitioner, although that decision is most strenuously urged contra.

If, as is the case in some other jurisdictions, contempt cases were appealable under our statutes, and this case were before us on appeal, or, if the statute required the court in adjudging a contempt to explicitly set forth all intermediate necessary findings upon which the final judgment is based, the result might perhaps be different. But in the absence of such findings or of an affirmative showing of want of jurisdiction either by the record or by matter outside of the record, the judgment cannot be set aside in a collateral proceeding.

The fact that all three Judges of the Circuit Court sat at the hearing of the contempt case does not make the proceedings valid. Whether they might properly all sit as a court, it is unnecessary to say. For, although during the earlier stages of the hearing they seem to have regarded themselves together as constituting the court, yet the part that the Judges other than the presiding Judge took was unimportant and was joined in by the presiding Judge, and before the end of the case the view was apparently taken that the two former were there in an advisory

capacity only, and the presiding Judge alone finally pronounced judgment in form as if he alone constituted the court.

The case as a whole presents many fertile themes for comment, but it is unnecessary to discuss them.

The petitioner is remanded to the custody of the High Sheriff. Smith & Lewis and Andrews, Peters & Andrade, for the petitioner. George A. Davis, contra.

**DISSENTING OPINION OF
PERRY, J.**

The petitioner was sentenced to imprisonment for the term of thirty days for an alleged contempt of the Circuit Court of the First Circuit and then brought this petition for a writ of habeas corpus to determine the legality of such sentence and commitment. Many questions are presented.

One McCarthy was tried in the Circuit Court upon a charge of mayhem. The jury returned a verdict of guilty. Thereafter, upon motion of counsel, the court discharged the defendant on the ground that there is no such crime known to our law as mayhem. This was on March 5, 1902. On March 11, McCarthy was arraigned before the same court on a charge of assault and battery based on the same acts, and the trial was begun. In its issue of the day following, and while the trial was still pending and the case undetermined, The Pacific Commercial Advertiser, a newspaper printed and published in this city, of which newspaper the present petitioner was then the editor, contained a certain cartoon and certain printed words said to be of and concerning the Hon. George D. Gear, who was the Judge presiding at the two trials referred to. One of the attorneys for the defendant on the day last named presented to the court a motion or affidavit praying that the editor of The Advertiser be cited to appear and show cause why he should not be summarily punished for contempt of court, charging in the affidavit that the editor "did make and publish for circulation an insulting, contemptuous, contumelious, disrespectful cartoon or picture, a copy of which is hereto attached and made a part hereof, intending and meaning thereby to throw disrespect upon the Honorable George D. Gear, one of the Judges of said court, and the presiding Judge at both of the trials hereinbefore named; and in said cartoon or picture intending to and attempting to represent the former action in a ludicrous and disgraceful manner of him, the said Honorable George D. Gear, in his official and judicial capacity, as well as to prejudice the case of said defendant in the minds of the public and jury trying said cause and that by reason of said insulting, contemptuous, contumelious and disrespectful picture or cartoon, and intending to publish animadversions on the evidence or proceedings in a pending trial tending to prejudice the public respecting the same, and to obstruct and prevent the administration of justice, and by knowingly publishing an unfair report of the proceedings of the court, and malicious invectives against the court and jury tending to bring such court and jury, and the administration of justice into ridicule, con-

(Continued on Page 4.)

X RAY FOR LEPROSY

**Board of Health to
Experiment
Now.**

THE X-ray as a cure for leprosy is the latest experiment which undoubtedly the Board of Health will next attempt. There is also another cure which will be experimented with, that discovered by Professor Fulsen of Copenhagen, and some interesting results may be expected within the year.

The two suggestions given above have the merit of being made by reputable physicians of Honolulu, Dr. George Herbert and Dr. W. L. Moore, and will consequently be given more attention than has usually been the case where the Board of Health is concerned. President Sloggett announced at the board meeting yesterday that he had already discussed the subject with the physicians and added: "It is up to us to do something in this matter now." A motion that the medical members of the board act as a committee to investigate the proposed remedies for leprosy was adopted.

THE COPENHAGEN CURE.

The following is the letter of Dr. Moore calling attention to the Copenhagen experiments:

Dr. H. C. Sloggett, President of the Board of Health.
Dear Sir:—I wish to bring to the attention of the members of the board for consideration the advisability and practicability of attempting the amelioration and perhaps cure of certain leprosy manifestations by the use of the apparatus devised by Prof. Fulsen of Copenhagen, and employed by him in treatment of lupus.

I believe that in the earlier and more superficial lesions of leprosy it would prove of decided value, perhaps modified to suit the conditions and taken in connection with other treatment, a great deal might be accomplished.

Respectfully,
W. L. MOORE.

THE X-RAY EXPERIMENTS.

Dr. Herbert's letter bearing on the subject was as follows:

M. C. Sloggett, President Board of Health.

Dear Doctor:—There has been so much accomplished in the Eastern States and in Europe during the last year in the treatment of tubercular diseases of the skin, and subcutaneous tissue, by the application of the X-rays, and recognizing the similarity of this condition with that of tubercular leprosy, I wish to express an opinion that I firmly believe that experimentation scientifically conducted here with a good static machine and X-ray outfit, would not only be a proper and up-to-date experiment, but also productive of results, the limit of which may be beyond our most sanguine hopes.

In the earlier stages of tubercle deposits in the skin, such as I have frequently seen in years long past, I doubt not it would prove a specific, at least for the local lesion. Of course, we regard leprosy as due to systemic infection, but in so many cases it has proved self-limiting, more especially, of course, in those forms that are characterized by neuritis.

Affected limbs have been amputated, and the patients had no sign or recurrence of disease. Patches excised, and no further developments. On these grounds, therefore, I beg you to bring the subject before your honorable board for discussion.

Fraternally yours,
GEORGE HERBERT.

The committee appointed by the president to consider the experiments suggested by the physicians was Dr. Sloggett, Dr. Moore and Dr. Cooper, and they will be assisted by Dr. McDonald, the Government bacteriologist, and Dr. Herbert.

KONA ESTATE IN GOOD SHAPE

Reports from Kona, brought by J. M. McChesney, who has spent the past month at the plantation, are most favorable and indicate that the period of uncertainty has been passed for the estate. The cane now being taken off is entirely from the Hualala lands, contiguous to the mill.

Owing to a scarcity of rain there has not been enough water on the upper lands for the purpose of fluming cane down to the main line, but the prospects are for more rain very soon now. The mill is not entirely finished as some parts have been ordered from this city and will go back in the Mauna Loa. The railroad also needs some little work before it is done, but this is expected to be completed during the present week.

Up to the present time there have been manufactured and shipped some 4000 bags of sugar. This figure would have been much greater if the mill had been complete. There has appeared no evidence of dissatisfaction on the part of the laborers, but on the contrary all the work is being pushed ahead and the men are getting what they are entitled to out of the sales of sugar.

While the progress of the planting for the crop of next year was delayed by the action early in the spring, there is much work being done for the crop of 1904. There is some clearing going on and the planting of this new land will begin within the next two weeks. The land on which cane is now being cut will be cultivated for long ratoons for the same crop.

GONG WILL SOON SOUND

Agnew and Weday Prepare for Battle.

Lon Agnew and Jack Weday are rapidly getting into shape for their coming battle and will step into the ring on the evening of June 11 in the pink of condition. Already their work is beginning to show itself in decreased avoirdupois and from now on each fighter will aim to reduce his weight as little as possible.

Fugilists the world over are always chary of giving their true weight to the public, preferring for some reason or other to have it believed that they will enter the ring considerably under the weight limit provided in the articles of the match. Messrs. Weday and Agnew are no exceptions in this respect, the former giving out that he will weigh about 142 pounds on the night of the fight, while the latter declares that he will not tip the scale at an ounce over 145 pounds. The writer has not seen either of the men weighed, but from the looks of them at present both are apt to weigh nearer 155 than 145 pounds next Wednesday evening.

Agnew is exercising at the headquarters of the Honolulu Athletic Club and is said by those who saw him on the mainland when in his prime to look as well today as they have ever seen him. He has not had any regular sparring partner so far but has boxed with anyone who has happened along. A Chicago man named Harry Bennett who is rather clever with his hands has recently put on the gloves several times with Agnew. This same Bennett is booked to spar a preliminary to the main event of the evening with "Soldier" Cominsky, the Camp McKinley boxer who made such a good impression in a preliminary bout on the night when Jimmy Fox went down before Agnew.

The policeman is doing considerable road work and is a firm believer in the virtue of that kind of training. Realizing that in Weday he will meet an opponent worthy of his steel he is leaving no effort unspared to get into the best possible condition. He is confident of victory and his confidence is shared by his friends, who refuse to entertain, even for a single moment, the idea of his being beaten.

Jack Weday, "The Man with the Iron Jaw," is training at Long Branch, Waikiki, and appears to be in fine fettle. Hardly as tall as Agnew, he has a reach as long and a record equally as good, being, when in shape, hard game for the best of his class.

Those who have seen Weday in the ring know nothing but praise for his fighting qualities. His best performance, perhaps, was about five years ago, when he fought a ten-round draw with Billy Gallagher, who was then at his best. He has a clean record in all his fights, never having been knocked out in his experience in the ring. For years he held the title of champion middle and welterweight of the navy. In his boxing bouts at Long Branch he shows great hitting power and his foot work is of the best. He is cool at all times, never letting an opportunity pass to land for effectiveness.

Weday went to Manila as fireman on a transport and returned here from San Francisco for the express purpose of boxing Agnew. At present he is sparring with Jimmy Fox, who may be seen in a preliminary event next Wednesday. Fox is anxious to demonstrate that he is still a good man and is willing to accept any opportunity which may present itself to do so.

It is early yet to attempt to forecast the result, but one thing is certain, that Agnew will be kept busy from the sound of the gong. Any odds against Weday should be a profitable investment, but there is always the danger that should the "pet of the force" appear to be getting the worst of it at any stage of the game, the police may wax over-enthusiastic and step in and stop the contest.

Agnew's ring career began in the early '90s. Among the men he has whipped are Joe Sullivan, Jack McCormick, Jim Looby, Jim Robinson, Harry Watson, Corley, "Milky" Pete, Bob Thompson, Billy Akers, Fred Muller and Jimmy Fox. He has fought draws with Harry Pigeon and Frank Purcell. Among the fighters who have caused him to strike his colors are Frank McConnell and "Spider" Kelly.

Weday has met and defeated Joe Burns of Vallejo, Jim Morris, Australian Billy Edwards, whom he knocked out in five rounds; Tom Dunbar, champion middleweight of Pennsylvania; Billy Thos, champion welterweight of Michigan; and Olney Freeman of Saginaw. He drew with Jack Williams of Salt Lake City.

His last fight was at Los Angeles, where about a year ago he drew with Jim Trimble after ten hard rounds.

PREST. LOUBET BACK FROM RUSSIA

DUNKIRK, France, May 27.—The French squadron of warships which recently visited Cronstadt, Russia, as an escort to President Loubet, arrived here today. M. Loubet landed at noon. He was welcomed by the mayor and received an ovation from the populace. The President proceeded to the Chamber of Commerce and, at a luncheon subsequently, he expressed his delight at the extreme cordiality of the welcome extended to him by both the Imperial family and the people of Russia.

The strengthening of the bonds uniting Russia and France would, he believed, have the beneficial effect of causing Frenchmen to forget their own differences, which were more apparent than real, and to turn their united attention to financial, economic and social problems urgently requiring settlement.

President Loubet concluded with drinking a toast "To the reunion of all Frenchmen."

FOR SICK SOLDIERS

The Plans for the New U. S. Quarantine Hospital.

Kuahua Island, in the Pearl Harbor lagoon, recently selected by the quarantine officials from the Bishop Estate for use as a station in their service, will be the place of detention for any soldiers who may be brought here by a transport, and who must be taken care of on account of disease. There have been received and stored at the headquarters of the depot quartermaster 200 hospital tents, which will serve to shelter men forced to be detained ashore.

The move made by the two departments of the government has for its object the making ready of a station for an emergency which it is believed may arise at any time. The presence of disease in San Francisco and Manila, since transports now stop here going and returning, makes it possible at all times that there may be the need of the taking out of a ship all the men and their being detained here for a time. It was the purpose of having a camp where contagious diseases might be handled without any possible contact with the city, that prompted the securing of the island and the shipping of the tents.

The number of tents at hand would, in case of necessity, furnish shelter for nearly 3000 men. They are of the hospital type, 14 feet square, and with them there is now held in storage a full supply of accessories, so that in the event of the temporary hospital being needed it could be pitched without delay. The sending of so much capacity was due to the desire of the department to have sufficient tentage to care for at least two ship loads of men if there should be disease break out upon that number of transports at one time.

The decision to use Pearl Harbor as the site for the station for the isolation of contagious diseases, should there be the need for it, was reached after inspection and consultation of the local and Federal health officials. It was decided that there should be selected a site where the danger of infection would be at a minimum. The place selected would enable the transports to lie off Pearl Harbor, send the sick men ashore in launches or small boats and have them safely in their tents without there being any contact with the land. This would prove the best possible quarantine for Honolulu, and it is the intention of the officials in case there should be a case of disease discovered on board a transport to prevent the coming into the city of a single man who was in the ship.

The local quartermaster's office is without information as to the plans concerning the future route to be taken by the returning transports. Information given out in San Francisco shows that the Meade, which sailed from Manila early in May, was sent by way of Nagasaki. This would indicate that the quarantine has been raised in Japan and the transports will take that route back to San Francisco.

THE SOCIETY OF THE CINCINNATI

NEW YORK, May 27.—Members of the Society of the Cincinnati, founded in 1783 by General Washington, will entertain the Rochambeau commission with a dinner this evening at the Waldorf-Astoria.

Count Rochambeau, General Lafayette and more than 250 other French officers of high rank who fought in the American revolution, became active members of the order, a branch of which was subsequently instituted in France by decree of King Louis XVI. Count Rochambeau, whose statue has just been unveiled at Washington, was the vice president of the French society.

The dinner this evening will be attended by about 125 persons, and will be confined exclusively to members of the Society of the Cincinnati and their official guests, as follows:

Members of the French mission and embassy, President Roosevelt's commission, Admiral and commanders of ships in the North Atlantic squadron, an escort to the French cruiser Gaultois, Ambassador Porter and the commanding officers of the army and navy of the United States in New York and at West Point, Major General commanding the National Guard of New York.

The guests will be seated at one large oval table. Nicholas Fish, president of the New York Society of the Cincinnati (formerly United States Minister to Belgium and Switzerland), and General James M. Varnum, vice president of the Rhode Island Society of the Cincinnati, will act as chairmen.

Six toasts, three in French and three in English, will be drunk. The response to the final toast, "The Institution of the Order of the Cincinnati," will be an accurate historical account of the connection of France and the officers of the army and navy of France with the society.

Honolulu Man Engaged.

BENEFIT, May 26.—An engagement announcement of interest to college society is that of Miss Rita M. Beatty to Ernest B. Clark, both of this city. Mr. Clark has been residing in Honolulu for some time, having been prominently connected with a bank in that city. Miss Beatty has just been graduated from the College of Social Sciences of the University of California, and expects to teach for a year or two before her marriage. She has a large circle of friends in the college town and is a member of the Alpha Sigma Sorority. Mr. Clark is the son of the late C. K. Clark of 2524 Piedmont avenue. He is home for a short visit with his relatives in this city.

Cholera Sweeping Manila.

MANILA, May 25.—Captain Charles Russell of the Eighth Infantry is dead. He was the first officer to die of cholera.

There have been 25 cases of cholera and 20 deaths among the Americans and 13 cases and 10 deaths among the European population. The cholera totals to date are:

Manila, 1165 cases and 52 deaths; provinces, 55,001 cases and 2875 deaths.

MAY BUY THE "ECLIPSE"

Board of Health Has Option On It.

(From Wednesday's daily.) If Supt. Boyd follows out the suggestion of the Board of Health, the long vexing question of transportation to Molokai will be settled. At yesterday's meeting of that body a proposition was received from the Hawaiian Navigation Company to sell to the board the gasoline schooner Eclipse for \$12,000. The schooner, according to the offer submitted, is but two years old, and was built at a cost of nearly \$30,000.

President Sloggett expressed himself in favor of the purchase of some sort of vessel for use in transportation between Kalaupapa and Honolulu, but stated that though the legislature had appropriated \$30,000 for this purpose, it was impossible for the board to act. This amount is in the hands of Supt. Boyd, and can be expended only under his direction, as the vessel will be under the supervision of the Department of Public Works. Consequently the matter of the purchase of the Eclipse was referred to Mr. Boyd for such action as he might see fit.

A petition was received from Molokai signed by three or four lepers, asking that Dr. French be retained as the permanent physician at the settlement. His appointment was only made until an Eastern medical expert could be secured, and the inmates of the settlement say that by his kindness, ability and care Dr. French has won their good will, and they want him permanently retained. The petition was placed on file.

The report of the Board of Medical Examiners recommending Yamada for a certificate to practice was adopted. The petition of C. J. Fiesel for a reversal of an order of the sanitary officer, compelling him to connect his residence at Lunailo and Pihiki streets with the sewer, was denied. He is also ordered to make plumbing repairs, which he is willing to do, but states that it is almost impossible to connect with the sewer at this time. The board took the view that as other property owners in the same neighborhood were complying with the order of the sanitary inspector, no exceptions should be made.

F. C. Smith reported adversely on the claim of Dr. Oliver for one month's extra compensation for services at the settlement. He stated that the agreement to give him one month's notice was made by the president of the board over ten years ago, and was not binding on the present board. He said further that the auditor would not pay the salary unless the board certified that the services had been actually performed. He reported favorably for the four days' allowance claimed by Oliver for showing Dr. French his duties. The report was adopted.

Mr. Isenberg, reporting upon the building at Pauoa and Nuuanu streets, said that he was arranging a settlement between tenant and owner by which the sanitary improvements ordered would be made.

A bill from Robertson & Wilder for \$50 for defending the suit against Dr. C. B. Wood, brought by Japanese laborers at the detention camp during the plague, was referred to the Attorney General.

Food Commissioner Shorey reported that one of the milk wagons of the Manoa ranch had also been carrying swill on the same vehicle, and he desired to know how to prevent such violation of the health laws. The matter was referred to the Attorney General.

The application of R. Ichikawa for permission to sell drugs was laid upon the table, as the board held that it was not concerned in the granting of such license.

The following report was made by Dr. Cofer of the health conditions in the Orient:

Honolulu, Hawaii, May 31, 1902. To the Executive Officer, Hawaiian Territorial Board of Health, Honolulu, Territory of Hawaii.

Sir—I have to report the health conditions in the Orient as follows:

Hongkong, two weeks to May 5th, 1902—Cholera, 52 cases, 55 deaths; smallpox, 7 cases, 4 deaths; plague, 33 cases, 31 deaths.

Respectfully, (Signed) L. E. COFER, Passed Assistant Surgeon, M. H. S., Chief Quarantine Officer, Territory of Hawaii.

There were present at yesterday's meeting of the Board of Health, President Sloggett, Dr. Cooper and Messrs. Isenberg and Smith.

WILL PUBLISH JUBILEE PAPERS

The adjourned annual meeting of the Mission Children's Society was held last evening at the residence of J. B. Atherton. The greater part of the meeting was devoted to a discussion of the financial affairs of the organization and to determining what shall be the course of the society in the future with respect to its appropriations for the various educational institutions which it has been aiding for many years.

A report was read by Rev. O. H. G. recommending the printing of the Jubilee papers read at the jubilee, accompanied by the expenses of the authors, as well as printing general reports. This was adopted. It was also decided to publish in the same annual report the names of all the members of the society, together with the names of the fathers and mothers.

Treasurer Dickey read the financial report for the past year. The balance from the previous year's account was zero. The total receipts from all sources, including special donations, were \$1278.55, and expenditures \$1205, leaving a balance of \$73.55. There was still a deficit of \$1400 for the support of educational institutions. It was voted to appropriate for the coming year only the amount of the deficit for the past year, as well as a sufficient sum for publishing the annual report, supporting the Pleasant Island Mission, under Mr. De LaPorte, to the extent of \$150. Miss Hyde contributed a piano solo which was well received.

PROBABLE ENTRIES

The Harness Events Closed Last Night.

(From Thursday's daily.) The entries in the harness events of the Hawaiian Jockey Club's coming races closed last night, but Secretary Crabbe stated to a reporter of this paper that he was not at liberty to make them public as they would not be opened until next Monday afternoon. The entries in the running races will not close until Saturday afternoon in order to allow G. S. McKenzie to arrive from Hilo and make his entries in person.

The harness events, it is safe to say, have filled better than in recent years, and the following list will be found to be not far from the mark:

Free-for-all—Waldo J., Wayboy, Edna G.

Gentlemen's driving race—Steamplough, Edna G., Frank Murphy, Wait-a-Little, Violin, Abidine, Tout, Los Angeles.

Hawaiian bred—Edith B., Boswell, Jr., Leah, Madeline.

2:30 class—Albert M., Oak Grove, Cyclone, Billy Lemp, Steamplough, Deuty Rhodes.

2:24 class—Directress, Edna G., Los Angeles, Steamplough, Oak Grove, Cyclone.

2:14 class—Abidine, Wayboy, Violin.

Captain Soule's little trotter Artie W. has been taken away from the track, as he failed to show enough speed to warrant his being entered. This is to be regretted for Captain Soule is a good sportsman and one whom it would be a pleasure to see own a good horse.

Boswell, Jr., and Tout, the horses which arrived from Kauai on Saturday, are stabled in town and have done nothing so far with the exception of being jogged on the road. Tout, a probable starter in the amateur event, is a racing looking bay gelding.

Weller works today and it is probable that he will be sent a good mile. He is a lazy horse and will not exert himself unless in company, so unless he succeeds in hooking up alongside something on the track Prince David will, perforce, have to take a good deal for granted as far as the sorrel is concerned.

Socialist is on the shelf, dead lame, and it is extremely improbable that he will face the starter.

Yesterday morning in the presence of his owner, Carter Harrison, Jr., went a mile in 1:46, going to the six-furlong pole in 1:17. The son of imported Watercrest simply ate up the track and J. O'Rourke was able to send a very flattering report back to friends in Hilo.

Alta Stacy, Amarino's opponent, worked three-quarters in 1:25. On Monday Nullah negotiated five furlongs in 1:03 1/4.

By far the most interesting work done by the runners yesterday was that apportioned to Del Vista, the mare in Burns' stable of which great things are expected. Her trainer smuggled her onto the track about noon and she was off and away before anyone was aware that she had left her stable.

The sorrel started off at a great clip, going to the half in :51 1/4 and to the three-quarters in 1:17. She could not carry her speed, however, and, as in previous work-outs, drew away in the final furlong of the mile, finishing very tired in 1:46. Before her performance yesterday it was considered probable that she would give Weller a race for the Rosita cup, but her latest showing nips that fond theory in the bud and it looks as if for a second time Prince David's horse would appropriate the mug.

Rejected joined in with Del Vista in the last half mile yesterday and the old horse galloped away from the mare in :54.

Despite the fact that Cyclone has a leg as big as a pineapple, the black keeps on working along in 2:26 and confirms The Advertiser reporter's oft-expressed opinion that Quinn's horse is the best lame horse that has ever struck the track.

Bob Ballentine will work Molly Connors and Amarino today.

John Callan's stable is rapidly getting to resemble the headquarters of a well mainland racing string. The latest improvement is the working of the horses' names upon their cloths.

The jockeys have started reducing and from now on the peaceful residents of Waikiki will be confronted with the strange spectacle of George Thomas Piggott, "Pemi" Fears, Jim McAuliffe and other knights of the pigskin pedestrianizing at a pace faster than a walk. Yesterday was a glorious day for their initial hike and the boys appreciated it in large drops.

A week from today will see the commencement of Honolulu's racing festival and as a general thing the final work will be done next Saturday. Already the advance guard of racing men from the other islands has begun to arrive and a visit to the track any morning this week will convince the most skeptical that Hawaiians have still a warm corner in their hearts for the sport of Kings.

CHOLERA MORBUS A DANGEROUS DISEASE.

In many instances attacks of cholera morbus terminate fatally before medicine can be procured or a physician summoned. The safe way is to keep at hand a reliable medicine for use in such cases. For this purpose there is nothing so sure as Chamberlain's Colic, Cholera and Diarrhoea Remedy. W. E. Roseworth of LaFayette, Ala., U. S. A., says: "In June, 1900, I had a serious attack of cholera morbus and one dose of Chamberlain's Colic, Cholera and Diarrhoea Remedy gave me relief in fifteen minutes." For sale by all dealers and druggists. Benson, Smith & Co. Ltd., agents for Hawaii.

The Amateur Orchestra held a rehearsal for the first time in three weeks last night. The orchestra was in splendid form.

So Different

Lots of Clams Like This, But so Different—Local Proof is What Honolulu People Want.

There are a great many of them. Every paper has its share. Statements hard to believe, harder to prove.

Statements from far-away places. What people say in Florida. Public expressions from California. Oftentimes good endorsement there. But of little service here at home. Honolulu people want local proof. The sayings of neighbors, friends and citizens.

Home indorsement counts. It disarms the skeptic; is beyond dispute.

This is the backing that stands behind every box of Doan's Kidney Pills. Here is a case of it:

Mr. Cyrus S. Edison of Kapolani Park, this city, says: "I am at present a teamster and came to the islands fifteen years ago. Previous to that I drove a stage coach in the United States. These occupations necessitating my being out at all seasons were no doubt the cause of my kidney disorder. I had the ordinary symptoms of this complaint, and resorted to a host of things to cure it. All of them failed to do so, however, and when I had almost given up hope I heard about Doan's Backache Kidney Pills and got some at the Hollister Drug Co.'s store. They did indeed relieve me and I am quite satisfied with the benefit they have been to me."

Doan's Backache Kidney Pills are for sale by all dealers; price 50 cents per box (six boxes \$2.50). Mailed by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

KILAUEA THROWS UP RED ASHES

Reports brought yesterday by the Mauna Loa leave little doubt of an early volcanic eruption at Kilauea. On Sunday, according to Manager Waldron of the Volcano House, there were two explosions at the volcano and Kilauea sent up clouds of red ashes, sulphur and smoke. There is no longer any doubt among the people in the immediate vicinity of the volcano that there will be an outbreak at an early date, though there are no fears as to the results, and no apprehension of danger. Smoke and steam are still arising in great volumes and from these reports it is not unlikely that the volcano is even now in eruption.

Purser Simerson of the Mauna Loa, which arrived early yesterday morning from Hawaii, states that he received two telephone messages from Manager Waldron, telling about the doings of the volcano on Sunday. The first came to him at Honuapo and Manager Waldron stated that an explosion took place at 9 a. m. on Sunday morning, when a large amount of red ashes and sulphur was emitted. The second explosion occurred Sunday at noon, and was of much greater force than the first, ending out a greater quantity of ashes and sulphur. Only a slight trembling of the earth was noticeable. At Kailua on Monday morning Purser Simerson received a third message from Manager Waldron, saying that there had been no further action at Kilauea, though the volcano was still spouting forth smoke and steam in huge volumes. He looks for an early outbreak.

The Mauna Loa brought back a few tourists who had been at the Volcano House with the expectation of seeing an eruption, but who had departed a few hours before the first explosion occurred.

PROFESSOR LYONS PREDICTS. Professor Curtis J. Lyons, in speaking of the recent dispatches from Martinique, said yesterday that it was in the line of probabilities that news would be received from the West Indies of date of June 2 to 4 or 5 that there had been another eruption. He points to the coincidence that at the present time the atmospheric conditions are practically in keeping with volcanic disturbances, and that the same causes which produce the sultry weather here also produce such eruptions. The moon and sun are just now overhead. The moon is new at this time and Professor Lyons would not be surprised to hear that by July 4 or thereabouts there was considerable activity in the Hawaiian volcanoes. The first eruption of Mont Pelee took place about the time the new moon was showing, and again an eruption took place when the moon was at the full.

Speaking of the showers of ashes that are reported in the explosions at Kilauea last Sunday, Professor Lyons says that this is quite unusual. He states that Kilauea has generally welled up with lava.

Thomas Prime of Birmingham, England, who gave quite a number of interesting lectures on Theosophy in San Francisco will conduct a course here under the auspices of the Aloha Branch Theosophical Society. Thursday evening's lecture for the general public and Tuesdays for members only. The subject tomorrow evening will be "The Planetary System."

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Furniture!

We are now prepared to display our new line of FURNITURE. The latest styles, direct from the Eastern factories.

Among the many things are BEAUTIFUL GENUINE MAHOGANY DRESSERS AND DRESSING TABLES. These are from a HIGH GRADE factory, and are made of selected choice wood.

Parlor Chairs and Rockers

IN SOLID MAHOGANY, GOLDEN OAK AND CATHEDRAL OAK.

Morris Chairs

IN SOLID MAHOGANY, GOLDEN OAK AND WEATHERED OAK.

These are only a few of the many things that we always keep in stock. While we handle a full line of Fine Furniture, we also keep a complete assortment of medium and cheap furniture, to suit all the trade. "Furniture to please everybody" is our motto.

J. Hopp & Co.

LEADING FURNITURE DEALERS Corner King and Bethel Sts.

INSURANCE

Theo. H. Davies & Co. (Limited.)

AGENTS FOR FIRE, LIFE AND MARINE INSURANCE.

Northern Assurance Company, OF LONDON, FOR FIRE AND LIFE. Established 1834. Accumulated Funds \$2,975,000.

British and Foreign Marine Ins. Co. OF LIVERPOOL, FOR MARINE Capital \$1,000,000

Reduction of Rates. Immediate Payment of Claims.

THEO. H. DAVIES & CO., LTD. AGENTS.

Our Soda Water

GINGER ALE, CREAM SODA, KOMEL, ROOT BEER, Etc.

Is sweetened by the use of pure cane sugar. We use no cheap substitute, ONE REASON WHY our beverages are the best and the most popular.

Prompt delivery anywhere and everywhere in the city and Waikiki.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

Consolidated Soda Water Works COMPANY, LTD. Telephone Main 71. Works 501 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Ester yesterday.

FOUR NEW QUARRIES

Supt. Boyd Prepared For Repair of Streets.

Following out the plan of public improvements on streets, Superintendent Boyd of the Department of Public Works has completed arrangements for the use of four new quarries, which will furnish material for this work. The refusal of the Board of Health to permit the operation of the asphalt crusher and quarry has cut off from the department the best supply of macadam it had, but by the acquisition of these new quarries many of the difficulties of the situation will be overcome and the macadamizing and improvement of streets in all parts of Honolulu may be continued uninterruptedly. The Makiki quarry will still be used and the rock from there will supply the Punchbowl district. The department will also open up a new quarry in that vicinity to be worked for the streets nearby.

One of the new quarries is located on Government land near the head of Pa'ua Valley, and the rock from here will be used on Fort street and its immediate vicinity.

A third quarry site has been obtained at Kelihi, in the Kailua area, the property being owned by W. C. Aichi.

The fourth new quarry site is located at Kahaula, on land belonging to the Federal Government. Both these latter quarries, which are not owned by the Territory, were obtained without cost, excepting that the roads leading to these places must be repaired. With these four new quarries, in all of which the rock is adapted for use as macadam, Superintendent Boyd believes he will be able to take care of all the street improvement now contemplated in Honolulu. It is not the intention of the department to place permanent stone crushers at these new quarries, but the portable crusher will be moved from one to the other as fast as stone is needed in the respective districts.

FATE OF ANDRE IN THE NORTH

Believed to Have Been Killed by Hudson's Bay Eskimo.

A correspondent writing from Canada says: "Australians will be, no doubt, interested in the confirmation of the news of the death of the Swedish explorer, Herr Andre, and his associates, who were killed by Eskimo in the wilds of Northern Canada. The report was given on an Indian story two years ago, and the Hudson's Bay Company requested the manager of its most northerly post, Fort Churchill, on Hudson's Bay, to investigate the story. Mr. Alston, in charge of that post, has written that after two years' search the men sent out by him have returned with a report similar to that given before. Traces of the darling balloonist and his associates were followed for hundreds of miles, but it was impossible to locate the tribe who caused the death of the polar explorers. It seems that the Eskimos report that they saw Omikak, which is the native tongue for the largest of their canoes, floating in the air. When it settled to the ground three white men strangely dressed came out with guns which they indiscreetly fired. Andre and his associates were killed with musket bows, and everything of value was taken. The searchers found tobacco, knives and cartridges supposed to belong to Andre in possession of one of the most northerly tribes but could get no other information. News that Andre undoubtedly met his death in this manner has been forwarded by the H. B. Company to the Swedish Government."

REHEARSING THE ROYAL PARADE

LONDON, May 27.—A full rehearsal of the coronation procession along the whole length of the route from Buckingham Palace to Westminster Abbey and return took place this morning. The attendants and the horses were practically the same as will take part in the parade of June 28. The vehicles were plain coaches and brakes, representative of the elaborate state equipages which will be used on Coronation day, and grooms and outriders represented the notable personages who will ride in attendance on their majesties. The first nine carriages will be occupied by members of the British Royal family. They will be followed by vehicles containing their suites. The great state coach, which will come last, was represented today by a big brake drawn by the eight cream-colored Hackneys which figured in the procession at the time of the late Queen Victoria's jubilee and on the occasion of her funeral. The horses today wore crimson Morocco harness with heavy gilt fittings and ornamentation, which is being made for the coronation. The rehearsal included the picking up of passengers at Buckingham Palace, their alighting at Westminster Abbey, etc.

WHOOPIING COUGH.
Mr. Little had an attack of whooping cough and was threatened with pneumonia, but for Chamberlain's Cough Remedy we would have had a serious time of it. It also saved him from several severe attacks of croup.—H. J. Strickfaden, Editor World-Herald, Fair Haven, Wash., U. S. A. For sale by all dealers and druggists. Benson, Smith & Co. Ltd., agents for Hawaii.

The Ferreira habeas corpus case will come up before Judge Gear today. There will very probably be another application for a continuance on the part of the petitioner.

FIVE HUNDRED ACRE SISAL PLANTATION FOR KAUAI

Land on Mr. Waimea Side of Garden Isle Near Seashore Found Excellent for the Cultivation of Fiber.

KAUAI is to have a sisal plantation and shipments of bulbs will be commenced at once from the sisal plantation near Ewa. It is intended to send over 500,000 bulbs, sufficient to start a plantation of 500 acres.

A. H. Turner, manager of the Oahu Sisal Company, who has just returned from Kauai, is convinced that the soil conditions on Mr. Knudsen's place are admirably adapted for the growing of sisal, and that the new plantation will be a success.

Mr. Turner states that there are about 3000 acres of sisal land on the Waimea side of Kauai. The tract belonging to the Knudsen estate which he was asked to investigate consists of 1000 acres, most of which is sand washed and blown out from the ocean. This land, instead of forming into the usual sand dunes, is almost level and

the surface is from four to eight feet above sea level. While it is very hot and dry there during the day, there will always be sufficient moisture rising at night to promote a vigorous growth.

Although the land is very different in formation, the chemical properties of this soil are much the same as that of the sisal plantation at Ewa. The hard makai land at Koloa, though volcanic in form, he says is good fiber land, as is evidenced by a patch of sisal now growing on the same. This was planted from the original Bahama sisal plants imported to Kauai while Mr. Marsden was Commissioner of Agriculture.

The sisal land described by Manager Turner on the Waimea side of Kauai is a vast quantity of rocky hill land that could be used profitably for growing fiber.

WHAT IS GOING ON IN THE SOUTH PACIFIC ISLANDS

SUVA, Fiji, May 21.—On arrival of the R. M. S. Mowara from Sydney the passengers who were destined for Suva were landed at the quarantine depot at Nakorokoro, to terminate their ten days' quarantine from the time they left Sydney. A passenger who happened to board the ship at Brisbane was detained a day longer. This is one of many foolish arrangements of quarantine now existing here.

FII SOCIETY.

We have been so very gay for two weeks past that all thought has been impossible—if one is ever supposed to think. Since the arrival of the cable steamer Auglia, dinners, luncheons, dances and ping-pong have been the order of the time. The citizens' ball on Friday, the 18th, was without doubt the most successful ball of the year. The schoolroom was given for the occasion and the weather was propitious, while the committee in command were as happily selected as usual. A special table for refreshments was reserved for the administrator and party, where "Nectar and Ambrosia" were supposedly served, but the "manna" for the common herd was dainty, varied and delightful enough to tempt the most jaded appetite. A list of the guests would be exhaustive, and you can just depend that all Suva was present in its best attire.

EARTHQUAKE SHOCK.

A correspondent writing from Lautoka states that a severe shock of earthquake occurred there on Wednesday, April 30, extending over many seconds. The "shake up" appeared to be from north to south. Another intimation from the same quarter is to the effect that the rainy season is an unusually prolonged one for the district, and that while the crops are benefited thereby, a great deal of inconvenience is experienced by residents from this cause.

A BANANA DISEASE.

The Fiji Times prints the following letter:

Sir, With your permission I would like, through the columns of your paper, to address a few words to my fellow colonists, upon a subject which is of violent importance to us all, non-planters, as well as planters. I refer to the disease which has devastated our banana plantations.

The writer remembers some fifteen years ago, when the banana groves on the lower Rewa were a sight worth going many miles to behold, until they were attacked by that fell destroyer disease.

Our cane fields were also attacked about that time with a malady which I believe to be in every particular similar to that which played havoc with the bananas, and for a time, cane planters were much concerned as to what was to be the outcome of it; it looked very black indeed for them. I have seen whole fields of cane destroyed by disease, ploughed out and replanted. Compare that with the present healthy state of our fields, which are now, with a very few exceptions, almost free from disease, and the question forces itself upon us, why it is not so with banana plantations? There must be some reason.

Possibly the banana is a more delicately constituted plant than sugar cane, and so cannot so readily withstand the ravages of disease. I do not think, however, that that accounts for it, because the majority of the canes imported here of late years will not withstand the disease, but become more or less affected, it is chiefly the old varieties that have been in the country for many years that are practically immune.

The reason of this, I think, can be traced to the fact that planters had no where else to turn for healthy plants but to their own disease-stricken fields from which they picked whatever healthy plants they could find.

The fact of their remaining healthy amongst disease, was proof that they

were constitutionally stronger than their neighbors; and so, in a few years, it came about that the present disease resisting stock were raised.

I am of opinion that a healthy stock of bananas could be raised in a few years' time by the same process, i. e., the selection of healthy plants from diseased fields, not young fields, but fields, say, about three years old. It would, of course be very important to see that the whole stool from which the selection is made is perfectly healthy. I am, etc.,

FARMER.

A BLACK PATCH.

Mr. Seddon holds that Australia could not embrace Fiji in the Commonwealth, because it would make a black patch on the escutcheon of a white Australia. But because New Zealand has the Maoris ever with her, that tri-insular colony could well assimilate the South Sea Island natives in a federation without incurring the stigma of incompetency or incongruity. Mr. Barton does not agree with the "overseas" Premier. He does not think that what Mr. Seddon says entirely disposes of the question. "New Zealand has the Maoris," he states, "just as we have the aborigines, with whom we have to deal as the original occupiers of the land, even if they were ten or twenty times as many. The fact that New Zealand has Maoris does not affect the marrow of the question, which is one not of aboriginals but of immigration. If that is denied, then it is a matter of the internal management of the Fijis, which cannot have much relation to the existence of the Maoris in New Zealand. So I do not think the Maori question affects the future of Fiji at all."—Sydney Morning Herald.

FREAK PEARLS

The extraordinary pearl or rather, cluster of pearls, known as the "Southern Cross," is probably the most remarkable of its kind that Nature has ever produced. So far as is known it occupies an absolutely unique position. It consists of nine pearls, naturally grown together in so regular a manner as to form an absolutely Latin cross. The pearl was discovered by a man named Clark, while pearl fishing at Roebourne, in Western Australia, in the schooner Ethel, the owner being a Roman Catholic called "Skinner Kelly." When the shell was opened both men were filled with amazement and awe. Kelly regarding it as some heavenly wrought miracle, buried the pearl, but it was re-discovered in 1874, and five years later was on exhibition at Roebourne. The pearl has changed hands many times and each time it has done so the person parting with it has doubled his money. It is now owned by a syndicate of Australian gentlemen, who value it at £10,000.

AUSTRALIA'S SANITARIUM.

Of all the picturesque islands of the South Pacific, there is not one that exceeds Ovaia in beauty. The wonderful combination of tropical wealth of vegetation, the feathery palms, variegated foliage, and brilliant hue of flowers, is thrown the more into prominence by the stern basaltic cliffs and peaks, and an ideally picturesque landscape, from what side soever we view it, is the result. We have heard more than one passing traveller remark that the first view of Levuka and its picturesque background revived "Paul and Virginia" in the mind, not merely as a reminiscence, but seemingly, actually as a realization. Levuka has only to be more widely known to be better appreciated, more especially as its climate certainly from April to October, is the most perfect in the South Pacific, and no other island can compare with it in point of salubrity. It is a perfect sanitarium for Australia and New Zealand, and, as it becomes better known, so it will become more frequented. We call attention to an advertisement in the Royal Hotel and its picturesque and splendidly appointed cottages which is indeed an ideal residence for young couples on their honeymoon as well as for families. But as it is in constant demand, it is advisable that at least a month's notice should be sent to the proprietor, Mr. R. Stokes, by persons desirous of renting the cottages.

PAKE SHOT.

Lee Hing Arrives at Police Station Minus Part of His Head.

About midnight Lee Hing, a Chinaman, drove up to the police station in a hack and stated that he had been shot.

His right hand was bleeding between the thumb and first finger apparently from a bullet wound and the man was sent to the Queen's Hospital to have his injury attended to.

Lee Hing refused to say where or by whom he had been shot and only seemed to care about being sent to the hospital.

JAPANESE LABORERS

Planters Now Securing Large Numbers of Them.

There is a movement of Japanese laborers back to the plantations, and the strained conditions in the labor market which existed at this time last year are practically removed. The agency which the Hawaiian Planters' Association established several months ago for the purpose of procuring Japanese for the plantations, has been doing excellent work, and a large number of coolies who would otherwise have remained around the city, have been induced to return to the fields.

A casual investigation of the number of Japanese in the Japanese hotels of Honolulu does not indicate that there is any lack of able-bodied laborers on hand yet, but the inmates of these hotels change from day to day. For instance, in one hotel on Monday there were about 50 of these laborers. Yesterday the same hotel contained an entirely different set of men. The reason for this is that most of the original 50 have agreed to go to various plantations and many are now on the way. Other laborers, returning from various islands, or from plantations on this island, have come in and taken their places. In a few days these latter laborers will probably have found employment on other plantations, and so the change goes on.

One of the peculiar traits of the Japanese is that he has a distinct liking for moving from place to place. Instead of remaining for any length of time on one plantation, he sacrifices time and consequently wages by giving up one job, coming to Honolulu and looking around for another. The friendships among the Japanese are strong, and when a Japanese leaves a plantation for another, his bosom friend soon longs for his companionship and the result is another migration until the friends are reunited.

The agency has been very successful in diverting laborers and preventing them, in a measure, from remaining too long away from plantations. The agents feel that the labor situation has now calmed down to a basis where the planters can look for available supplies of laborers from month to month.

M'KINLEY FUND CERTIFICATES OUT

Governor Dole Will Sign More of Them on His Arrival.

Until the return of Governor Dole there will be no more certificates of contributions to the McKinley memorial fund issued. The supply signed ahead by the Governor, before his departure for Washington, has been used up and there are several subscribers who have not yet had their certificates. As soon as Governor Dole gets back to his desk he will sign such a supply as will enable Treasurer Cook to send out receipts to the subscribers.

Owing to the fact that there will be in the proposed pleasure grounds facilities for the various sports which are in vogue here, the committee which has in hand the raising of the funds proposes to endeavor to arouse interest among the various societies, and also in the several business houses which have young men who take part in sports as a body. The plan is to try and induce rivalry in subscribing for the creation of a perfect pleasure ground, among the men who will use it. The houses of Hackfeld & Company and Davies & Company, where the young men take part in football and other matches under the name of the house, will be canvassed and an effort made to arouse a spirit of emulation among the clerks and other employees so as to secure subscriptions to the

THE MAN FOR ME!



The Happy Man! The Man With Force! The Man With Grit!

The man whose look and action show him to be one of nature's models, the man who grasps your hand with a strength and a smile that say, "I am a man." Show me the man with confidence in himself, the man who does not hesitate to do what he thinks is right, and I will show you a man you can trust.

I ADMIRE MEN OF POWER!

And I have devoted my life to developing them. I know that Electricity is the force that makes vitality, and I use it to build up men who are nervous, hesitating, sleepless, failing in memory, losing self-confidence, weak in heart and stomach, losing youthful ambition and courage. Men like that, or those with pains in the back, rheumatism, sciatica, or those other troubles which follow a loss of nature's vital power, I can cure. I can make them feel young, strong and energetic with my Electric Belt. If you are such a man come to me. My belt is in a class by itself. I take the other kind in trade. Get my book. It has facts you will be interested in. It is free if you enclose this ad.

DR. M. E. McLAUGHLIN, 906 Market Street, San Francisco, Cal.

Black Vici Kid Shoes at \$3.50

We can show you something handsome in Vici Kid Shoes. They have style, grace and comfort, fit perfectly, wear well and are the best shoes you can get for the price. What better can we do than this?

Manufacturers' Shoe Co., Limited

1057 FORT STREET.

CALIFORNIA CANNED FRUIT

The most favored country in the United States in growing fruit, is California. Its valleys produce the most delicious varieties, and the choicest product of the most favored localities is gathered and packed for our store under our "Fidelity" and "Crema de Luxe" labels.

The Fidelity represents the highest standard or extra quality of medium size, perfect fruit, in heavy syrup.

The Crema de Luxe covers the dessert grade of extra large fruit, particularly adapted for export, being firm fruit that will arrive whole in best condition.

Prices on both grades are quoted in our price list.

We pay particular attention to uniformity and selecting the finest flavored fruit to be had, as there is a vast difference between the fruit of different localities.

Our experience of twenty years in shipping to individual consumers is at your service.

Smiths' Cash Store.

Nos. 25-27 Market Street, San Francisco, Cal., U. S. A.

largest possible amount. There may be adopted a plan for some banner or cup, to bear the name of the park, to be given to the club or organization which gives the greatest support. The same spirit may be attempted to be aroused between houses of similar character in the city. The banks, the mills and other business institutions will be aroused and the result may be large additions to the fund very soon, as the work must needs be pushed so as to have the park in shape for the people as quickly as possible.

Read what Mr. Paul Isenberg says:

Honolulu, T. H., April 22nd, 1902.

Pacific Hardware Co., Ltd., Honolulu, T. H.

DEAR SIRS:—The presence of the horn-fly pest in my herd of milch cows has been a cause of serious apprehension to me, both on account of the consequent deterioration in the condition of the cattle and the reduced production of milk. I am pleased to inform you that the application of the So-Bos-So Kilfly, which I purchased from you a few days since, has already resulted in a decided improvement in the condition of the cattle, as well as an increase of 20 per cent in the quantity of the milk produced, before the application of the Kilfly. Very truly yours, PAUL R. ISENBERG.

So-Bos-So Kilfly Is a Liquid Mixture

designed to protect cows and horses from torture of flies. The preparation is positively harmless. It is used with splendid results as a disinfectant and germicide. The Electric Sprayer discharges the So-Bos-So (Kilfly) in a fine, broad spray. From 30 to 50 cows can be sprayed in a few moments. The Electric sprayer is detachable, and thus may be thoroughly cleaned.

If your animals are troubled with lice, use So-Bos-So (Kilfly). It knocks them out. Spray your poultry house with So-Bos-So (Kilfly). It kills lice or any vermin that may infect the fowls. Sufferers from the Horn Fly should give Kilfly a trial. We are sole agents for the Territory of Hawaii.

Pacific Hardware Co., Ltd.

Hawaiian Gazette.

Entered at the Postoffice of Honolulu, H. T., Second-class Matter.

SEMI-WEEKLY
ISSUED TUESDAYS AND FRIDAYS

WALTER G. SMITH, EDITOR.

SUBSCRIPTION RATES:
Per Month, Domestic \$1.50
Per Month, Foreign 1.75
Per Year, Domestic 18.00
Per Year, Foreign 21.00
Payable Invariably in Advance.A. W. PEARSON,
Manager

FRIDAY : : : : JUNE 6

FITNESS AND AVAILABILITY.

It is one of the defects of popular government that the question of fitness in a candidate for office is not regarded so closely by nominating bodies as the question of availability. When a given man's name is mentioned for a high elective post, the first interrogation is no longer "Is he fit?" but "Is he available?" The proper query would be: "Could he make a good showing in the office he seeks?" but this is not heard save among the few who are not crabs but who look upon politics, not as an end, but as a means to an end. Every thing centers on the carrying capacity of the individual, not upon his talent, his industry, his sense of honor, his eloquence, his skill or his strength in the handling of public questions.

It gives one a shock to find so universal an acceptance of this rule in the United States, particularly in the framing of legislative and Congressional tickets. Now if there is any business which calls for the trained and informed mind, the honest heart and the broad view, it is the business of framing laws. The science of government is no less a science than that of astronomy. Its sphere embraces law, philosophy, social ethics, history and constitutional forms; yet if the popular grocer or drover or man-about-town happens to want a seat in even our greatest deliberative public body, no one passes him to look for the thoroughly equipped citizen who has had too much use for his time to waste any of it in cultivating the good will of the voters. Of course it is inevitable, for if the competent man cannot be elected it would be useless to nominate him. But, as we say, the fact that we have to go on politically crowding square pegs into round holes, is a distinct reflection upon our form of government, placing it at a disadvantage with enlightened monarchies where the ruler makes it part of his business to find the strongest men for the highest posts and to confer no responsibility upon those who are not qualified to bear it.

JUDICIAL SPENDTHRIFT TRUST.

Though the Circuit judges have decided to sit one at a time, they seem disposed to employ the full sets of court officers provided for them when they were on the bench simultaneously. Between them they have three clerks, three stenographers, three bailiffs and two Hawaiian interpreters, a costly and cumbersome body. Though the public gets the benefit of but one court, the judges compel the taxpayers to support the paraphernalia of three courts, some of which paraphernalia, as common gossip says, is worse than useless. It is lucky for the courts, under these circumstances, that they control a grand jury system. But for that, the spirit of public investigation which two of the judges have prompted, would soon be felt in the atmosphere of the circuit bench. The grand jury has usually, in its quests, found a false scent, but if it were to look into the First Circuit court, summing up its extravagances and worse, there would develop a scandal worth ventilating.

What makes the judicial spendthrift trust the more unworkable is that the times are hard and the treasury impoverished and taxes are oppressive.

CHECKING THE EXODUS.

The Hawaii Shippo Sha, which is doing good work against the coast agents who are trying to lure Japanese labor from these islands to California, has the following pungent editorial:

We are deadly against the wholesale migration of our laboring class to the mainland. We feel it is the invasion of a forbidden ground. It is like placing an obstacle against the wise course laid down by our home government in its immigration policy.

Secondly, we are against the proposition on their part about their good prospects on the other side. On the contrary, we have grave doubt of their ever realizing the beautiful dream worked up successfully into their imaginations by the honied tongues of wily recruiting agents. As we repeatedly advised them, the secret of amassing money for them is not the amount they can earn, but to earn it steadily. California fields do not offer such chances for them, if we are not misinformed.

Lastly, but not least as a cause of our objection, we believe it is a bad faith and mean act on the part of laborers toward their patrons, the planters, thus to desert them in their need. This counsel is full of good points. The hint should not be lost on those interested that the diversion of our Japanese laborers to the mainland is a way of evading the compact about Japan. If this fact is made proper use of it may be the means of checking a movement which as the Shippo Sha points out, can only lead to harm. Such a thing would be a favor to the laborers. Japanese are told that they can get big wages in California the year around when as a matter of fact they can command a fair wage when the short season when fruit is being picked and dried. More than this a glut of Japanese is wanted so that the high fruit season wage rate may be forced down.

If the Japanese wish to return home some day with well-laden purses they had better stick to their present jobs. Pay is sure in Hawaii, food and shelter are provided for and the capital invested in sugar makes the planters better paid than the small fruit growers of California, who work on a narrow margin and are more or less at the mercy of the capriciousness of the transportation line.

W. D. Dressler, city editor of the San Francisco Examiner, is dead. He is remembered in Hawaii as one of the correspondents of the American flag who was hoisted in 1898. His death was the occasion of widespread sympathy in San Francisco and his funeral was attended by representatives of all departments of public and professional life at the coast metropolis.

SUPREME COURT'S OPINION.

The Supreme Court yesterday filed a decision in the case of Walter G. Smith, editor of The Advertiser, who was sentenced to thirty days' imprisonment by the Circuit Court for contempt of court, in publishing a cartoon of Judge Gear. The case had been brought before the Supreme Court on habeas corpus proceedings, the main point being that the act committed was not in the presence of the court, so that it was "constructive contempt," which by Hawaiian statute is not punishable, and consequently that the Circuit Court had no jurisdiction to sentence Mr. Smith.

The decision of a majority of the court, by Judges Frear and Galbraith, upholds the decision of the Circuit Court, while Judge Perry files a strong dissenting opinion.

Each of the Judges has written an opinion of his own. The decision of Judge Galbraith is that the contempt committed was a direct contempt. The decision of Judge Frear is somewhat obscure in its reasoning and meaning. As far as a brief study thereof indicates, he holds that under Hawaiian statute the Supreme Court cannot on habeas corpus proceedings, which are of a collateral nature, inquire into the merits of the case. He states, in effect, that if these proceedings had come before the Supreme Court on appeal or writ of error, as is allowed by the statutes of some of the states, but is not allowed under Hawaiian law, the result might have been different. As it is, he feels bound by the technicalities of the situation, and declines to go into the merits of the question, holding that the Circuit Court had jurisdiction.

Judge Perry holds, in a strongly reasoned and logical decision, that the publishing of the cartoon was not a direct contempt, and is, if anything, a "constructive contempt," which by Hawaiian statute is not punishable.

The difference between a "direct" and "constructive" contempt is that a direct contempt is one committed in the presence or immediate vicinity of the court. A constructive contempt is an act not committed in the presence of the court, such, for example, as newspaper articles commenting upon, or cartoons relating to the court.

The reasoning in Judge Galbraith's decision is, as we understand it, that any newspaper commenting upon the decision of a court in a manner distasteful to the Judge of that court, is liable to be punished for contempt, notwithstanding that there is an existing statute prohibiting the punishment of constructive contempt.

The decision of Judge Perry is a direct negative of the reasoning of Judge Galbraith and denies that the courts have any such power.

The decision of Judge Frear, while it in effect supports that of Judge Galbraith, does not go so far, and whether it supports to the full the theories advanced by Judge Galbraith are left an open question.

The attorneys for Mr. Smith, Messrs. W. O. Smith and A. Lewis, Jr., and Lorin Andrews, believe that a Federal question is involved, in that Congress, having ratified, among other statutes, the Hawaiian statute prohibiting the punishment of "constructive contempt," that statute is now as much a Federal statute as though it had been passed by Congress in the first instance. If this contention is correct it gives jurisdiction to the Federal courts to consider whether or not the act committed is, in effect, a direct or a constructive contempt. With a view to securing Federal adjudication on this point, the question will be immediately brought before United States District Judge Estee, on a writ of habeas corpus.

SUPREME COURT
DECIDES AGAINST
WALTER G. SMITH

(Continued from Page 1)

tempt, discredit and odium did then and there and thereby commit a contempt of court. An order was thereupon issued citing Smith to appear at a time stated and show cause why he should not be adjudged guilty of contempt in publishing, printing and circulating the said statement of and concerning the Presiding Judge of this court and the cartoon or picture with reference to a cause now pending and undetermined in this court, to-wit: the case of the Territory of Hawaii against William McCarthy and which said statement and publication and picture or cartoon is well calculated to prejudice the minds of the jury sworn to try the cause and hinder, obstruct and prevent the due and the administration of public justice. The respondent appeared and filed a return and after certain other proceedings had been had judgment was rendered and sentence pronounced.

In the view which I take of the case it becomes material to consider whether the respondent in that proceeding was committed and sentenced for a direct contempt.

As to the distinction between these two classes of contempt. A direct contempt is one committed in face of the court, or in its immediate vicinity, or in the presence of the court, or so near thereto as to interrupt its proceedings or an open defiance of its powers or authority or of disrespectful behavior or language to the presiding Judge, or any improper conduct tending to defeat or impair the administration of justice. An indirect or constructive contempt is one offered elsewhere than in the presence of the court and which tends by its operation to degrade or make impotent the authority of the court or in some manner to impede or embarrass the due administration of justice. — 27 Am. & Eng. Encycl. Law 2nd Ed. 23. Contempts are defined to be direct such as are offered in the presence of the court while sitting judicially or constructively, such as though not in its presence, as tending to obstruct and embarrass or prevent the due administration of justice. — State v. Wagon, 64 Ill. 195. The contempt is direct when committed before and in the presence of or so near to the court as to interrupt the proceedings of the court.

Contempts are constructive when they are committed not in the presence of the court, and when they tend by their operation to interrupt, obstruct, embarrass or prevent the due administration of justice. — Whittem v. State, 38 Ind. 198, 212, 213. "Contempts are generally divided by jurists into the classes of direct and constructive; direct being those committed in the presence of the court, and constructive being those acts which the court would have to construe by some process of reasoning to be equivalent to a direct contempt." — In re Bush, 8 Haw. 222. See also Church on Habeas Corpus, Sec. 306; Bradley v. State, 60 Cal. R. A. 692 (111 Ga. 168); Cooper v. People, 22 Pac. (Colo.) 795; State v. Kaiser, 20 Or. 67.

Assuming that the cartoon and words complained of are of the nature charged in the affidavit, i. e., insulting, contemptuous, contumelious, disrespectful and tending to obstruct and prevent the administration of justice, and that, as contended on behalf of the present respondent, they were of and concerning the case then pending and undetermined and not, as contended on behalf of the petitioner, of and concerning the case first tried and then concluded, and that the Circuit Court so found, and that such finding cannot be reviewed on habeas corpus, still, if the objectionable matter was published and circulated or caused to be published and circulated by Smith, or even, perhaps, by the proprietors of The Advertiser, only in the city generally and not in the court room or in adjoining portions of the court house, these acts would at most constitute a constructive contempt only. If, on the other hand, Smith or, let us say, the proprietors, published and circulated such matter, or caused it to be published and circulated, within the court room or in the adjoining portions of the court house, the contempt would be direct. Although there may be, perhaps, a few authorities to the contrary, this is supported by the great weight of authority. In Cooper v. People, supra, immediately after the language above quoted, the court said: "The acts here complained of belong to the latter class (constructive) if either. They consist of the publication in a newspaper, of general circulation in the place where the court was being held, of such articles in reference to a case pending as were calculated to interfere with the due administration of justice, as it is said."

"We have in this case, not a case of direct contempt, but a case of indirect or constructive contempt, alleged to have been committed by the publication of these general articles in a daily newspaper, which are alleged to have been intended to and did prejudice the people against the court and grand jury, embarrass the administration of justice and reflect upon the court and its proceedings." — Fishback v. State, 131 Ind. 304, 312. "A newspaper corporation which deliberately seeks to influence judicial action by the publication of articles threatening the judges with public odium and reprobation in case they decide a pending case in a particular way, is guilty of constructive contempt." — State v. Bee Publishing Co., 50 L. R. A. (Neb.) 195.

Ackermann vs. Congdon, 7 Haw. 31 (January, 1887), was a case of a publication in a newspaper of an article containing expressions which were deemed by the court to be "calculated to prejudice the tribunal which was to try defendant's case and render it unfavorable to him." The defendant's case was pending. The publication was held to be a contempt, but that it was regarded as a constructive contempt is plain from the language of the court. "As the case before us is the first instance of constructive contempt of this character brought to our notice, and as the case is not a serious one, we impose no fine." (p. 28.)

In Smith vs. Abelo, 7 Haw. 117 (April, 1887), the publication in a newspaper, was of an abstract of a bill in equity, and while the suit was pending. The court said: "We had occasion, at the January term, 1887, of this court, in the case of the Hawaiian Gazette, ante, page 31, to say that such publications as appear to have a prejudicial effect upon the rights of the parties in cases pending in court, were punishable as constructive contempt of court." The publication in question comes within the principle laid down in the Gazette case, and is fully sustained by authority." See also, on this subject, State vs. Circuit Court 72 N. W. (Wis.), 193, 195.

The case of Telegram Newspaper Co. vs. Commonwealth, 172 Mass. 294, cited to the respondent, does not hold to the contrary. It was a case where the case whether the contempt was direct or constructive, for the court was not limited by statute in the matter, but had power to punish either or both. The court merely held that the publication was a contempt, and while it said, page 298: "If the publication amounts to a contempt of court, because it interferes with the due administration of justice, it is a contempt of court, the contempt is analogous to a contempt committed in the presence of the court." It also said, "The contempt, if there was one, was not, strictly speaking, committed in the presence of the court, but it related to a trial then before the court."

The mere fact that the petitioner, at the time that he published or caused to be published and circulated, generally, the newspaper containing the matter in question knew, if he did, or must have known, that some subscribers or subscribers to whom the paper would be delivered in due course, might bring copies of the paper to the court room and there circulate or publish them, would not, of itself, on any principle that I know of, render the petitioner criminally liable for such publication or circulation in the court room. (There is it is true authority to the contrary.) To convict him upon such facts would be to hold him liable for the acts of others not aided, induced or encouraged by him. Such a case would not come within the rule as to responsibility for the natural and plainly probable consequences of one's acts.

Bearing in mind these definitions and distinctions of what offenses does the mittimus show the petitioner to have been adjudged guilty and for what offense does it show that sentence was imposed upon him? After reciting in full the motion for citation or affidavit the mittimus further recites that Smith was cited to answer to the said charge of contempt which had been duly filed against him, and that upon his failing to do so, charge and contra, the said Circuit Court found the said Walter G. Smith guilty of a contempt of this court as charged in the affidavit and motion. The affidavit and motion, as appears from the quotation above made, charged a constructive contempt only, it

(Continued on Page 6)

LOCAL BREVITIES.

(From Wednesday's Daily.)

There were 80 deaths during the month of May.

H. W. Robinson has been admitted to practice in the Federal Court.

Sheriff Brown has been notified of a murder on Kauai, but is given no particulars. The alleged murderer, who is a Japanese, has been placed under arrest.

The annual meeting of the Hawaiian Evangelical Association which was to have been held in Lahaina this month, has been postponed to the second week in July.

Bruce Cartwright, as trustee for Emma Kalelelanani, has brought suit against the Territory to establish fishery rights at Kaneohe, Koolauapoko, on this island.

The Territorial band will leave on June 12 for Waimea, Kauai, to be gone for 10 days. Sheriff Coney is arranging the program for the stay of the band on Kauai.

It is rumored that Deputy Attorney General Cathcart will resign, though the Attorney General has received no notification to that effect. Mr. Cathcart is now in Hilo.

Marshall Hendry has received a memorial card framed in black, telling of the funeral of the late Marshall Daniel A. Ray. The services were held at Oak Hill Cemetery in Washington on May 16th.

This is the last week of the exhibition of pictures in the Kilauea Art League rooms. The display room is open every day from 9 to 5, and in the evening from 7 to 9. The attendance daily has been very fair.

Cards have been issued by Mrs. Sarah Grace announcing the marriage of her daughter Elizabeth to Mr. George Hibbard Angus, to take place at 8 o'clock on the evening of June 17 at Central Union church.

E. C. Rowe has brought suit against Stanley Stephenson for an accounting. Plaintiff claims that since the dissolution of partnership defendant has collected monies due the firm for which he has made no accounting.

Miss Pauline Neumann, Circuit Court stenographer for Judge Gear, has resigned. It is probable that no successor will be appointed, as the Legislature provided for but two court stenographers in the First Circuit.

Attorney Vilva yesterday presented to Governor Cooper the petition of South Kona residents asking the appointment of Thomas H. Wright as district magistrate. The term of Kaal, the present incumbent, expires in about two months.

The Honolulu Plantation Co. has filed a bill of exceptions with intention to appeal in the Pearl Harbor case. The United States has already given notice of appeal, and if the defendants also carry their case to the higher court, the result will be interesting.

(From Thursday's Daily.)

Miss H. James has been appointed stenographer in the Circuit Court to succeed Miss Pauline Neumann.

The hearing of the swipes sellers has been set for Friday afternoon before Commissioner Robinson. The bail in each case has been fixed at \$1000. Two of the defendants are women.

A meeting will be called of the St. Louis Exposition committee as soon as Acting Governor Cooper hears from the other islands. A meeting to select committee members was scheduled to be held in Hilo yesterday.

Dr. and Mrs. John S. McGrew announce the marriage of their niece, Maude Mary Gillet, to Mr. Archibald Alfred Young, to take place at half-past eight o'clock on the evening of June 18, 1902, at St. Andrew's cathedral.

While Mr. and Mrs. Charles Lucas were riding on Beretania street in a buggy, a Portuguese who was driving a surrey ran into their vehicle, taking off a hind wheel. The Portuguese was racing with another driver at the time of the accident. No one was hurt.

Ernest N. Smith of Honolulu was one of the four debaters chosen from the 600 students of the Brooklyn Polytechnic to meet a team from Pratt Institute in a public discussion of the Chinese question. The Polytechnic debaters won. The Brooklyn Times speaks of the telling effect of young Smith's speech, which was wholly extempore.

An iron gateway is being placed between the new and the old Hackfeld buildings, facing on Queen Street. The two iron pillars are of a fine design, and the grill work is of a fine design, and the grill work is of a fine design, and the grill work is of a fine design.

Daniel Yowell, charged with manslaughter in the first degree, was committed for trial by Judge Dickey yesterday.

Taketa, a Japanese merchant in Palama, was declared a bankrupt by Judge Estee yesterday and W. T. Rawlinson appointed as referee to hear the case.

R. Anderson and A. Garvie will fight on the final for the golf championship this week. Anderson defeated Donald Rose by 1 up and 2 to play. Garvie won from Norman Key by default.

The Spanish-American War Veterans have secured the classroom in the Y. M. C. A. building. All members can have the use of the same at any time, during day or evening. Meeting notices will be posted in this room.

There will be an important business meeting of the Kamehameha Alumni Association this, Friday, evening, June 6, 1902, at 7:30 o'clock. Election of officers for the ensuing year. All members are requested to be present.

Tenders made for the construction of the approach to the Hackfeld wharf were opened yesterday. No contract was made, as all bids exceeded the appropriation set aside by the Department of Public Works for that purpose.

Mrs. Emma Nakulua, Commissioner of Private Ways and Water Rights for Honolulu yesterday heard the suit brought by the Palolo Land and Improvement Company against property owners in the Palolo district to compel certain changes in ditches and dams on their lands.

Supr. Boyd frowns upon the proposition of the Board of Health to purchase the gasoline steamer Eclipse. He says that the appropriation of \$25,000 made by the legislature is for a "newly built steamer," and according to Mr. Boyd the gasoline schooner does not come within the meaning of that act.

A court martial has been in progress at Camp McKinley for several days investigating the disappearance of about \$300 worth of quartermaster's stores. Several soldiers are under suspicion. The court is composed of Lieutenant Colonel Girard, Captain William Jones, Price and Lieutenant James Behr and Robinson. The court will hold its concluding session Monday.

Aching Joints

In the fingers, toes, arms, and other parts of the body, are joints that are inflamed and swollen by rheumatism—that affect condition of the blood which affects the muscles also.

Sufferers dread to move, especially after sitting or lying long, and their condition is commonly worse in wet weather.

"It has been a long time since we have been without Hood's Sarsaparilla. My mother thinks she could not be without it. He has been troubled with rheumatism since he was a boy, and Hood's Sarsaparilla is the only medicine he can take that will enable him to take his place in the field." Miss Ada Dorr, Sidney, Iowa.

Hood's Sarsaparilla
and Pills

Remove the cause of rheumatism—no outward application can take them.

BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Honolulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Merchants, Honolulu, Hawaiian Islands.

LEWERS & COOKE.—(Robert Lewers & J. J. Lowrey, C. M. Cooke.)—Importers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Machinery of every description made to order.

CANADIAN PACIFIC RAILWAY

The Famous Tourist Route of the World.

In Connection With the Canadian-Australian Steamship Line. Tickets are issued.

To All Points in the United States and Canada, via Victoria and Vancouver.

MOUNTAIN RESORTS: Banff, Glacier, Mount Stephens and Fraser Canon.

Empress Line of Steamers from Vancouver. Tickets to All Points in Japan, China, India and Around the World.

For tickets and general information apply to

THEO. H. DAVIES & CO., LTD.
Agents Canadian-Australian S. S. Line, Canadian Pacific Railway.

TRANS-ATLANTIC FIRE INS. CO.
OF HAMBURG.

Capital of the Company and reserve, reinsurance companies 6,000,000
Capital their reinsurance companies 101,650,000
Total reinsurance 107,650,000

North German Fire Insurance Co.
OF HAMBURG.

Capital of the Company and reserve, reinsurance companies 8,500,000
Capital their reinsurance companies 35,000,000
Total reinsurance 43,500,000

The undersigned, general agents of the above two companies for the Hawaiian Islands, are prepared to insure Buildings, Furniture, Merchandise and Produce, Machinery, etc.; also Sugar and Rice Mills, and Vessels in the harbor, against loss or damage by fire on the most favorable terms.

H. HACKFELD & CO., Limited

The Elgin

WORLD'S STANDARD FOR TIME KEEPING.

Should be in the pocket of every wearer of a Watch.

Many years' handling of Watehes convinces us, that price considered, the Elgin is the most satisfactory of American Watches.

Cased in

Nickle, Silver, Gold Filled and Solid Gold.

We have a full line and sell them at right prices.

ELGINS reach us right.

ELGINS reach you right.

Elgins stand for what is right in time keeping and lasting qualities, and that is why we are right in pushing the Elgin Watch.

H. F. WICHMAN
BOX 342.

Wm. G. Irwin & Co., LIMITED.
Fire and Marine Insurance Agents

AGENTS FOR THE
Royal Insurance Company of Liverpool, Alliance Assurance Company of London, Alliance, Marine and General Assurance Co., Ltd., of London, British and Foreign Marine Insurance Co., Ltd., of London, Scottish Union and National Insurance Company of Edinburgh, Williams of Madras General Insurance Company, Associated Assurance Co., Ltd., of Munich and Berlin.

Hood's Sarsaparilla

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of F. A. SCHAEFER & CO., Agts.

German Lloyd Marine Insurance Co. AG. BREMEN.

Fortuna General Insurance Co. OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the danger of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., General Agents.

General Insurance Co. for Sea, River and Land Transport, of Dresden.

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned, general agents, are authorized to take risks against the danger of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., Agents for the Hawaiian Islands.

Now
is
the
Time
to
Plant
SEEDS

A large shipment of fresh seeds has just been received.

It is not necessary to send to

the coast for garden or vegetable seeds when the same

may be had in a few days

from the.

Hollister
Drug
Company
Honolulu,
Hawaii.

The Bank of Hawaii
LIMITED.

Incorporated Under the Laws of the Republic of Hawaii.

CAPITAL \$200,000.00

OFFICERS AND DIRECTORS.

Chas. M. Cooke President
F. C. Jones Vice President
F. H. Cooke Cashier
F. C. Atherton Assistant Cashier

Directors—Henry Waterhouse, Tom May, F. W. Macfarlane, E. D. Tenney, J. A. McCandless.

Solicits the Accounts of Firms, Corporations, Trusts, Individuals, and will promptly and carefully attend to all business connected with banking entrusted to it. Sell and Purchase Foreign Exchange, Issue Letters of Credit.

SAVINGS DEPARTMENT.

Ordinary and Term Deposits received and interest allowed in accordance with rules and conditions printed in pass books, copies of which may be had on application.
Judd Building, Fort Street.

CLARK'S B 41 PILLS ARE WARRANTED PAIN IN THE BACK, and all kinds of neuralgia, Free from Mercury. Established upwards of 25 years in London. Sold by all Chemists and Patent Medicine Vendors throughout the World. Proprietors, The Lincoln and Midland Counties Drug Company, Lincoln, England.

MORE NEED OF ECONOMY

Circular Letter Is Sent to the Sheriff.

Rigid economy has been exercised in the police department of the Territory since the Executive Council decided upon a pro rata system of expenditures in order to keep within the limit of funds available. If other departments follow the rule laid down by the attorney general's department there need be no further fear as to expenses.

According to the incidental appropriation, the department has been keeping well within the allotted amount, and Attorney General Dole yesterday sent a circular letter to the high sheriff and the sheriffs of the various islands, complimenting them on the fact and urging still more rigid economy. The letter is as follows:

Territory of Hawaii.
Office of the Attorney General,
Honolulu, H. I., June 5, 1902.
Mr. A. M. Brown, High Sheriff of the Territory of Hawaii.

Dear Sir:—The expenses of the department for the ten months ending April 30, and the pay of police of Kauai, Maui and Oahu, and the pay of jailors, guards, etc., for the month of May last (the May bills under the other appropriations not yet being all in) show, for these ten months and as far as the bills are in for the last month, that the aggregate expenses of the department have been \$5,042.38 less than the pro rata of the appropriations in the aggregate.

I am gratified in noting under the appropriation for coroners' requests that, as the result of the careful study, and economy which we had to give this matter, the expenses for the ten months ending April 30, were \$32.41 less than the pro rata of the appropriation. I am also gratified to note that in spite of the great increase of criminal business, the prolonged sessions of grand juries, and the many extended and special terms of the Circuit Court, that the expenses for witnesses in criminal cases for the ten months ending April 30, have exceeded the pro rata of the appropriation only \$27.69, or about \$2.71 per month.

During the ten months ending April 30, 1902, and since, the appropriation for incidentals, civil and criminal expenses, which the last legislature cut down—has been subjected to extraordinary demands. The transition cases, so called; the prolonged sessions of grand juries; the extended and special terms of court, several terms of court being held at the same time in different parts of the Territory, thus requiring the employment of extra help in conducting the criminal business of the department; the large interests of the Territory in the litigation of fishing rights also making the employment of outside counsel necessary; the extraordinary amount of opinion and office work incident to the transition from an independent nationality to a Federal Territory, making it impossible for the head of the department to do any considerable amount of court work; outlays incident to installing the Gamewell police alarm system, etc.—all these things have combined to subject the appropriation for incidentals to emergencies which the legislature could not have taken into account.

During the ten months ending April 30, 1902, the expenses for civil and criminal incidentals have exceeded, upon the average, the pro rata of the appropriation therefor at the rate of \$222.11 per month. It will be necessary for us to cut down our expenses under this appropriation to about \$400.00 per month. Our pro rata under this appropriation is \$258.99 per month. If we can save out of this appropriation about \$208.99 a month, I think we shall be able in spite of the extraordinary demands on the department to close our biennial period without having to ask the legislature to make up a single dollar of deficiency under any appropriation of the department. I am very anxious to do this, if it can be done in justice and without prejudice to the public service.

I am sending a letter of like tenor herewith to each of the sheriffs.

Very sincerely yours,

(Signed) E. P. DOLE.

Attorney General.

publishing was away from the court house. When one says that the "Advertiser" is a newspaper printed, published and of general circulation within Honolulu, and that in its issue of a certain day the said newspaper and its editors and servants "did make and publish for circulation" certain matter, he certainly does not mean that it was in the court room or court house that the editor and others did so make and publish for circulation. The language used seems to me to be incapable of such a construction.

The next and last recital of the mittimus in the case at bar is as follows: "And whereas the said Walter G. Smith was guilty of a contempt of this court by publishing and printing a certain false, scandalous, malicious and defamatory statement accompanied by a printed picture or cartoon, which said statement and picture or cartoon had special reference to the case of the Territory of Hawaii vs. William McCarthy and to the conduct and judicial acts of the judge presiding on the trial of said case, which said false, scandalous, malicious and defamatory statement and printed picture or cartoon was circulated and published in the court room, in the court house in Honolulu during the trial of the cause, and the said Walter G. Smith vs. William McCarthy, which said publication was calculated to prejudice and did prevent the minds of the jury and prevent a fair and impartial trial of the issues involved in said case, and is calculated to obstruct and did obstruct the Circuit Court in the administration of justice and in its duties in the trial of said cause which was then and is now pending and undetermined." Of this it is observed that it is not a recital of a conviction or of an adjudication of guilt, but merely that Smith was guilty. The mittimus, however, is not the judgment or verdict; it is merely a formal order issued to the sheriff reciting that a certain judgment or verdict has been theretofore rendered and sentence passed and directing the execution of such sentence. It is not the recital of the mittimus recite that the accused is guilty but it must show his face that he has been adjudged guilty by a jury or by the court, as the case may be. In other words, even though an accused is guilty, a conviction or judgment to that effect by a competent tribunal is necessary to support a sentence or the execution thereof. Without such conviction or judgment, the sentence and order of execution would be invalid. But it is clear that a general order to imprison a party unless he has been convicted either by a jury or by the court is a mere nullity. The law requires that before a sentence of imprisonment shall be passed against a party, he should first be convicted of an offense. In ordinary cases, this conviction must be by the verdict of a jury. In the case of contempts, it may be by the judgment of the court. Still, in either case, the record must show a conviction. Now it will be seen from this return that there is no judgment of imprisonment for a contempt generally, or for a contempt in refusing to answer questions. There is not any conviction or adjudication by the court that Mr. Adams had been guilty of a contempt. Without such judgment the court had no right to commit him to prison, nor the sheriff to detain him. It is true that Mr. Adams did refuse to answer questions asked by the grand jury, and it may be true that the court considered that a contempt for which he deserved imprisonment, but no such judgment has been rendered in the case; and however many contempts the prisoner may have committed, it is not lawful to imprison him until convicted and not the mittimus in virtue of which the party committed is detained. People ex rel. vs. Baker, 89 N. Y. 460. Unless the record shows a judgment of conviction of contempt, a petitioner may avail himself of the remedy provided by habeas corpus." Ex parte O'Brien, 127 Mo., 477, 488, 489. See also Ex parte Van Sandau, 1 Phillips, 604, 606, 607; People vs. Bennett, 4 Paige, 282; In re Blair, 4 Wis., 521; Sherwood vs. Sherwood, 32 Conn., 1.

Assuming, however, that the language used can be held to be an avowal of a conviction or judgment of guilt of the offense charged, so far as the offense so recited is, so far as the petitioner is concerned, a constructive and not a direct contempt. The recital is that "Walter G. Smith was guilty of a contempt of this court by publishing and printing" a certain statement and cartoon, which said statement and cartoon was circulated and published in the court room or caused to be so circulated and published by Smith; it is not a recital of a conviction of Smith for contempt by "publishing and printing" and by "circulating and publishing in the court room." In my opinion, as stated above, the printing and publication generally away from the court room may have been by Smith and the circulation and publication in the court room may have been by others for whose acts Smith would not be criminally responsible.

It may be remarked in this connection that it is not to be presumed that the court or the clerk issuing the mittimus intended or attempted to make therein an untrue or incorrect recital as to what the conviction or judgment was; and if it had been intended or attempted to state in the mittimus that the petitioner had been convicted or adjudged guilty of a contempt by publishing and printing in the court room, such statement would have been untrue and incorrect. After the introduction of the evidence, Circuit Judge Humphreys (the three judges of the Circuit Court sat together during the proceedings, but in what capacity or whether legally or otherwise I need not say), delivered the opinion of the judges or of the court and in concluding said: "It is the court's opinion of the judges of this court that the defendant should be held guilty as charged in the complaint herein." Following him Judge Gear, presiding at the term, said: "The judges have unanimously decided that this matter published has constituted a contempt of court as charged in the complaint or affidavit and I therefore find and adjudge you guilty of contempt of court as alleged and set out in the affidavit and ask you to answer why sentence should not be passed upon you." And I will state now that the court has considered with both the other judges and come to the conclusion as to a proper sentence to be pronounced, having taken that into consideration in extenuation of the offense, and it is therefore the judgment of this court that you be and you are hereby adjudged guilty of contempt of

court as set forth in the affidavit, and you are sentenced to imprisonment in the Oahu Jail for the period of thirty days without hard labor." Clearly, the judgment of guilt was of the offense charged in the affidavit and that, as already stated, was a constructive contempt only and not a conviction or publication in the court room.

Going still further, and assuming that the paragraph of the mittimus in question is a recital of a conviction of Smith of a contempt by printing and publishing and by circulating and publishing in the court room, and assuming that such finding of the court below cannot be disturbed on habeas corpus, even though there be no evidence to support it, I am of the opinion that the sentence and mittimus are invalid because the court had no jurisdiction to impose the one or make the other in the absence of a conviction or judgment of guilt of that offense (this, of course, in view of my conclusion, to be hereafter stated, that the Circuit Courts of this Territory have no authority to punish for constructive contempts). The error, however, is not in the sentence and mittimus, but in the principle is the same where the conviction is of an offense which the court has no jurisdiction to punish and the sentence and mittimus are for another and different offense, as where there is no conviction or judgment at all.

Has the Circuit Court of the First Circuit power to punish for constructive contempt? Under this head several questions have been presented and argued. In August, 1888, the legislature of the Territory passed an Act (Chap. 42, Laws of 1888) the second section of which reads as follows: "Constructive contempts shall not hereafter be punishable as such." This language, taken by itself, is plain—so plain as to leave no room for construction. It is contended, however, that read in connection with the two other sections of the statute, and in view of the causes that led to its enactment, it must be construed to refer to such only of constructive contempts as are mentioned in section 1. The latter section reads: "The publication of proceedings before any court or judge shall not be deemed to be contempt, nor shall such publication be punishable as contempt;" and section 3: "The terms of this act shall apply to the publication of all proceedings in all courts, or before all judges, hitherto had, now pending, or which hereafter may be had." In my opinion, sections 1 and 3 do not contain sufficient to justify the limitation sought to be placed upon the plain language of section 2. If the words, "constructive contempts" used in section 2, were intended to refer solely to the "publication of proceedings," mentioned in section 1, then section 2 is pure repetition and wholly superfluous. Section 1, if properly construed, is a limitation upon the punishment to be imposed for such publication as is mentioned in section 1. The presumption is further that the legislature in using the term "constructive" intended to distinguish between constructive and direct contempts. The purpose of section 3 evidently was to provide that the proceedings permitted by the act, to wit, by section 1, to be published, included all proceedings, in whatever court and at whatever times had.

In enacting this statute the legislature doubtless had in mind certain cases then recently decided by the Supreme Court but it is a mistake to suppose that those decisions were simply to the effect that the publication of proceedings was a constructive contempt and punishable as such. Such indeed was the ruling in Smith vs. Aholo, supra, decided in April, 1887; but in Ackerman vs. Congdon, supra, decided in January, 1887, the publication held to be a constructive contempt was, not of proceedings, but of newspaper comments or expressions which were deemed to be such as tended to influence the result of a pending trial. The same is true of the publication, held to be contempt in King vs. Lee Fook, 7 Haw., 248 (decided at the February term, 1888, just before the legislature convened). It was not of proceedings but of matter tending to prejudice the right of the defendant to a fair and impartial trial. So far as history is concerned, then, there is good reason for believing that the legislature meant what it said, i. e., that the publication of proceedings was such of constructive contempts (which means any or all constructive contempts); and not merely of some constructive contempts.

In the case entitled In re Bush, 8 Haw., 221, the court construed the statute differently, holding that by "constructive" contempts the legislature meant those only which were not enumerated in section 257 of the Penal Laws. With respect, it seems to me that there is no sufficient ground for this construction. The statute states that this court must now follow that decision because of the rule that where a statute, which has received a judicial construction, is re-enacted in the same or substantially the same terms, that is to be deemed a legislative adoption of such construction. The re-enactment here referred to is that contained in the Organic Act. The question is one as to the meaning of the Congress in passing the Organic Act, and this intention is to be ascertained from a reading of the Act as a whole. Section 6 provides "that the laws of Hawaii not inconsistent with the constitution or laws of the United States or the provisions of this Act shall continue in force, subject to repeal," etc. "Continue in force" means "be of the same force, not more and not less, after as before the statute stated." Section 6 provides that "until the legislature shall otherwise provide, the laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided." Before the Organic Act went into effect the Supreme Court had jurisdiction and authority to overrule any of its former decisions, with possibly some exceptions, real or apparent. It was open to construction by the court and subject to having any former construction modified if to the court it should seem right and just to do so. In my opinion, Congress intended by the Organic Act to continue the same powers in this court in this respect which it theretofore had and the rule of construction contended for does not apply in this case. If, then, as contended by the Bush case held to the contrary on the subject of the construction of the Act of 1888, it should be overruled.

It is also contended that section 257 of the Penal Laws, which defines certain acts to be contempts, sets forth in the enumeration certain constructive contempts, that therefore if section 2 of the Act of 1888 is construed to include constructive contempts other than the publication of proceedings, that act would by implication repeal section 257 in part and that repeal by implication are not favored. It is true that repeals by implication are

not favored, but nevertheless there may be such repeals, and they are to be given effect where the language and intent are clear. The argument that the restriction contained in the Act of 1888 does not apply to the Circuit Court of the First Circuit because said court was not then in existence, is not sound. The provision clearly is sufficiently broad to apply to courts thereafter created as well as to courts then in existence. The mere fact that the statute existed before the court was created does not exclude it. The legislature made use of general language for the purpose, as it would be of applying the act not only to existing courts but to any that might thereafter be created." Middlebrook vs. State, 43 Conn., 267.

Was the Act of 1888 unconstitutional? The constitution in force at the time of its enactment was that of 1887, Article 64 of which was as follows: "The judicial power of the Kingdom shall be vested in one Supreme Court, and in such inferior courts as the legislature may from time to time establish." Article 66 reads: "The judicial power shall be divided among the Supreme Court and the several inferior courts of the Kingdom. In such manner as the legislature may from time to time prescribe, and the terms of office in the inferior courts of the Kingdom shall be such as may be defined by the law creating them." The Circuit Court of the First Circuit was created by the legislature under that provision of the constitution. It was, under the monarchy and the republic, a legislative act distinguished from a constitutional act, and it was competent for the legislature which created it to define or limit its powers in the matter of contempts. "The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice." The moment the courts of the United States were called into existence and invested with jurisdiction over any subject, they became possessed of this power. But the power has been limited and defined by the act of Congress of March 23, 1881. The act, in terms, applies to all courts; whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the constitution, may perhaps be a matter of doubt. But that it applies to the Circuit and District Courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The Act of 1881 is, therefore, to them the law, specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases: First, where there has been misbehavior of a person in the presence of the courts, or so near thereto as to obstruct the administration of justice; second, where there has been misbehavior of any officer of the courts in his official transactions and powers; third, where there has been disobedience of the courts, or any officer, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the courts. As thus seen the power of these courts in the punishments of contempts can only be exercised to insure order and decorum in their presence, to secure faithfulness on the part of their officers in their official transactions, and to enforce obedience to their lawful orders, judgments and processes." Ex parte Robinson, 19 Wall., 505, 510, 511. See also Ex parte Busch, 72 Fed. 19; Ex parte Poulson, Fed. Ca., No. 11,350; State vs. Kaiser, 20 Or., 57. Whether or not the Act of 1888 applied at the time of its enactment or applies now to the Supreme Court, is another question. Even if it did not so apply, still it was constitutional as to the inferior courts. See Robertson vs. Pratt, 13 Haw., 590.

The Act of 1888, being valid at the time of its enactment and in force at the date of the Organic Act, was continued in force by section 6 of the latter act. It is contended that the Organic Act is the constitution of this Territory, that since in section 61 it is provided "that the judicial power of the Territory shall be vested in one Supreme Court, Circuit Courts and in such inferior courts as the legislature may from time to time establish," the Circuit Court of the First Circuit is a constitutional court, and that therefore its powers to punish for contempt cannot be limited. If, however, we are to regard the Organic Act as our constitution and as the instrument by which the Circuit Court was created, then it is also true that the limitation of authority was by the same instrument and by the same power which created the Circuit Courts. Surely the power, whether it be the people directly or Congress, which grants a constitution and thereby creates a court, may also define or limit the powers of that court. It may even legislate it out of existence.

My conclusion is that section 2 of the Act of 1888, in its application to the Circuit Court of the First Circuit is constitutional, valid and in force. Nor is the restriction thereby placed upon that court a novel one. The legislature already may disclose some instances of similar limitations elsewhere; for other instances see Laws of Pa., Duplicate, 1835, 1836, p. 73; Throop's Ann. Code of Civ. Pro. (N. Y.), par. 8, p. 6; Galland vs. Galland, 44 Cal., 475, 478. "The force of public opinion in this country, in favor of the freedom of the press, has restrained the free exercise of the power to punish this class of contempts." (Constructive.) This class of contempts, however, has been enacted depriving the courts of the power to punish them." Rapalle, Contempts, Sec. 56.

In my opinion, the sentence and commitment, if for a constructive contempt, are illegal and invalid for lack of jurisdiction on the part of the court to impose such sentence or order such commitment, no judgment of guilt of such offense having been rendered. The petitioner should be discharged.

GREAT OVATION FOR GOVERNOR
Governor Dole is expected to return to the Alameda, which is due here today. The Government tug Eleu has been chartered by E. A. Mott-Smith, who has invited a number of people to go out to meet the steamer, accompanied by the Territorial band. The party will include prominent officials, business men and members of the press. Admiral Merry's launch will also go out to the Alameda and will take the chief executive of the Territory ashore. On landing a salute will be fired from the naval battery. It is expected that the vessels in the harbor will display their flags and that everything will be done to make the ovation to the Governor as complete as possible.

HAS LITTLE TANNIN
Expert Reports On The Lantana Plant.
Jared G. Smith, special agent in charge of the United States Experiment Station, has received a report from the department at Washington, upon the lantana sent there by him some time ago. The report, which is made by William H. Krug, chief of the dendrochemical laboratory, shows that there is but a very small proportion of tannins in the lantana. Mr. Smith thought that perhaps the lantana might be of use commercially for tanning purposes, but this analysis indicates that there is not sufficient of the tannins in the plant to pay for its extraction. A new idea is, however, opened up by Professor Krug, who suggests the possibility of medicinal properties in the plant, and inquires if the lantana has ever been used for such purpose. Though the whites here know very little of the medicinal qualities of the shrub, it is reported that natives have been using at least the lantana flowers as medicine. It is said by some physicians that a concoction made from the flowers, if given in small quantities, will drive a man insane, and there are reports to be several cases at the Oahu insane asylum now, resulting from the use of the drug. Hawaiian Kahunas also are said to use lantana in their concoctions. The analysis made by the Government expert covers the roots, stems, leaves and flowers, and is shown in the following report:

Washington, D. C., May 15, 1902.
Mr. Jared G. Smith, Hawaii Experiment Station, Honolulu, Hawaii:
Dear Sir:—The specimens of lantana camara submitted by you have been examined in this laboratory. The roots, stems and leaves were analyzed separately and the parts corresponding to the numbers in the table given below are as follows:

Dn. 619—Mature plant roots.
Dn. 620—Mature plant stems.
Dn. 621—Mature plant leaves.
Dn. 622—Young plant roots.
Dn. 623—Young plant stems and tops.
Dn. 624—Young plant leaves.

The following results were obtained:

Moisture 7.11
Total soluble matter 16.78
Soluble soluble matter 16.41
Insoluble matter 1.37
Tannins 1.28
Non-tannins 1.09
Total tannins 2.37

Moisture 7.11
Total soluble matter 16.78
Soluble soluble matter 16.41
Insoluble matter 1.37
Tannins 1.28
Non-tannins 1.09
Total tannins 2.37

Moisture 7.11
Total soluble matter 16.78
Soluble soluble matter 16.41
Insoluble matter 1.37
Tannins 1.28
Non-tannins 1.09
Total tannins 2.37

FEAR NEW DISASTER

Fort de France Is In State of Panic.

FORT DE FRANCE, Island of Martinique, Monday, May 26.—Mont Pelee is again in eruption. Huge, lanky black clouds are rolling over Fort de France in great masses, in which there are peculiar lightning flashes. The inhabitants are now flocking into the great square of the town. If the demonstration increases a panic is imminent.

A very heavy surf has been beating on the shore for the last two hours, and an enormous, grayish-yellow cloud, at a great height, is dimly visible in the direction of Mont Pelee. The night is intensely dark and the stars are only faintly visible.

Fort de France is in no danger from the volcano, but there is considerable apprehension of a panic in the night time, should the grayish-yellow cloud reach here and ashes and stones begin to fall. There are no noises from the volcano at present.

SCIENTIFIC INVESTIGATION.

FORT DE FRANCE, Monday, May 26.—Professor Robert T. Hill, United States Government geologist and head of the expedition sent by the National Geographical Society, has just come in from a daring and prolonged investigation of the volcanic activity in Martinique. Professor Hill chartered a steamer and carefully examined the coast as far north as Port de Macouba, at the extreme end of the island, making frequent landings. After landing at Le Precheur, five miles north of St. Pierre, he walked through an area of active vulcanism, to the latter place, and made a minute examination of the various phenomena disclosed.

Professor Hill is the first and only man who has set foot in the area of craters, fissures and fumaroles and, because of his high position as a scientist, his story is valuable. In addition to his work of investigation the professor rescued in his steamer many poor people of Le Precheur who had ventured back after deserting their homes and found themselves in awful danger. He reports as follows: "The zone of the catastrophe in Martinique forms an elongated oval, containing on land about eight square miles of destruction. This oval is partly over the sea. The land part is bounded by lines running from Le Precheur to the peak of Mont Pelee, thence curving around to Carbet. There were three well marked zones: First, a center of annihilation, in which all life, vegetable and animal, was utterly destroyed. The greater northern part of St. Pierre was in this zone. Second, a zone of singeing, blistering flame, which also was fatal to all life, killing all men and animals, burning the leaves on the trees and scorching, but not utterly destroying, the trees themselves. Third, a large outer non-destructive zone of ashes wherein some vegetation was injured. The focus of annihilation was the new crater, midway between the sea and the peak of Mont Pelee, where now exists a new area of active vulcanism with hundreds of miniature volcanoes. The new crater is now vomiting black, hot mud, which is falling into the sea. Both craters, the old and new, are active. Mushroom shaped steam explosions constantly ascend from the old crater, while heavy ash-laden clouds float horizontally from the new crater. The old ejects steam, smoke, mud, pumice and lapilli, but no molten lava.

"The salient topography of the region is unaltered. The destruction of St. Pierre was due to the new crater. The explosion had greater superficial force, acting in radial directions, as is evidenced by the dismounting and carrying for yards the guns in the battery on the hill south of St. Pierre, and the colossal statue of the Virgin in the same locality and also by the condition of the ruined houses in St. Pierre.

"According to the testimony of some persons there was an accompanying flame. Others think the incandescent cylinders and the force of their election were sufficient to cause the destruction. This must be investigated. I am now following the nature of this bill."

This is the first positive scientific statement based on observed facts. Professor Hill has now started on horseback for the volcano. He will study the whole affected area and will try to get to both craters. He will surely visit Morne Rouge and the slope of Mont Pelee. The undertaking is very hazardous as explosions may occur at any moment as one did May 20. Professor Hill knows the risk he takes, but says the only way to discover exactly what has happened is to go to the crater itself or as near it as possible. He will be gone two days.

Fort de France is nearly deserted. A new source of fright is in that a tidal wave may come. A wave eight feet high would certainly destroy Fort de France and probably cause enormous loss of life.

The weather is lowering and rainy. The south winds carry the smoke and ashes from the volcano away from Fort de France.

ASHES FALL IN DOMINICA.
ROSEAU, Island of Dominica, B. W. I., May 27.—During the whole of last night ashes from the volcano on the Island of Martinique fell here in greater quantity than has been experienced since the outbreak of Mont Pelee.

EPIDEMIC FEARED

PARIS May 27.—In order to avoid a possible epidemic among the 7000 refugees now at Fort de France, it has been decided to distribute them among a number of depots.

Bill Signed.

WASHINGTON, May 27.—The President has signed the Indian Appropriation bill and the omnibus claims bill.

SNAKES WILL BE BARRED OUT OF THESE ISLANDS

Department of Agriculture Gives Full Assurance—Hawaiian Public Buildings—The Tramways Bill Cannot Pass.

(Special to The Advertiser.)

WASHINGTON, D. C., May 22.—Hon. William Haywood states that he has assurances from the Department of Agriculture that regulations will shortly be issued to prohibit the bringing of snakes into Hawaii. He has been working diligently on the subject since my last letter and is well satisfied with what the department has promised. The regulations will be ample for the protection of Hawaiian interests against reptiles.

Just as the mail was closing this afternoon Mr. Haywood told me he had taken up a proposition to have numbers of the coal miners from the regions where a strike is now in progress diverted to Hawaii instead of returning to Europe. A good many labor officials have been coming to Washington in recent days in connection with questions of settling the strike and he has been in conference with them to see what might be done towards persuading these idle miners to seek employment in Hawaii. The labor leaders have taken kindly to the idea and something material may come of the matter. Mr. Haywood said he had intended to write to his people in the Islands, making mention of this, but had been prevented by the rush of his work and the early departure of the mail.

Hawaiian day at the Charleston, S. C. Exposition will, apparently, not be largely patronized by Hawaiians. Delegate Wilcox said this afternoon it was too hot for him down there and he does not propose to take the journey. He states also that ex-Queen Liliuokalani will not attend, although originally it was her intention to do so. "The Queen," said Mr. Wilcox, "is now getting ready to go back home and will leave here soon for San Francisco, where she will probably stay a week before she sails. She is very fond of San Francisco and therefore will tarry there a while."

Mr. Edgar Cayless, who has been here for six months, plans to leave Washington in about ten days. He will first go to New York to see his mother, who is quite ill. He had hoped to take her back to Hawaii with him, but is uncertain whether she will be able to stand the long journey. From New York he will proceed to Seattle and thence to San Francisco, where he will be joined by Delegate Wilcox. They all expect to make the journey across the Pacific together.

HAWAIIAN PUBLIC BUILDINGS.

The amendment which the Senate put on the omnibus public building bill, authorizing the Secretary of the Treasury to investigate the needs of Honolulu and Hilo for a public building, as I telegraphed by the steamship Ventura, will in all probability become law. I saw "Dave" Mercer, chairman of the House committee on public buildings, who will be the leading conferee for the house on the bill, and he told me this afternoon that he had no objection to the amendments for Honolulu and Hilo and that I would be safe in predicting that they would be kept in the bill and approved by the President. Senator Foraker had the amendments put on the bill without debate, Senator Fairbanks, in charge of the measure, acquiescing. Honolulu and Hilo are included with several other cities, the provision, as perfected by the Senate, reading as follows:

Section 23. That the Secretary of the Treasury of the United States shall cause to be examined the Government buildings in the following cities, to-wit: Watertown, N. Y.; Grand Rapids, Mich.; Houston, Tex.; South Bend, Ind.; Honolulu, Hawaii; Hilo, Hawaii; Duluth, Minn.; Lima, Ohio; Jersey City, N. J.; Knoxville, Tenn.; Syracuse, N. Y.; and make report to Congress at its next session showing in detail the condition of the building in each city named, whether of insufficient capacity to transact public business, and if so the most economical and best method of affording relief. The report should show the value of each building and site, the cost of purchasing additional ground and size thereof, the cost of constructing an addition, if one is necessary, or the cost of a new site and building, showing cost of each separately in case that is the only remedy; and the Secretary of the Treasury is hereby directed to investigate the postal situation at Honolulu, N. Y., and report to Congress at its next session the probable cost of a suitable site in said city upon which to erect a postoffice building, and the Secretary of the Treasury is hereby authorized to have prepared plans and specifications for the enlargement of the United States postoffice and court-house at Honolulu, Ohio, as he may deem advisable at a cost not to exceed \$5000.

HUMPHREYS OPPOSED THIRD JUDGE

An interesting development in connection with the third judgeship, to which Mr. Robinson was appointed, has just come to my attention. In the decision which Attorney General Knox rendered declaring that the act of the Legislature creating the judgeship was constitutional, which decision I sent to The Advertiser at the time there were statements such as "It has been urged in opposition. Certain people here have had occasion to seek the inside history of that and to ascertain that the reference was to a brief which Judge Humphreys filed, urging that the third Circuit judgeship law was not valid. The brief is in possession of the Attorney General's office and is naturally held confidential, as the Attorney General does not want unnecessarily to antagonize a Judge under his department, although he felt constrained to overrule his interpretation of the law."

There is an interesting little bit of history in that connection, which possibly illustrates the ingratitude of man. The provision of the organic act of Hawaii originally provided that the Territorial Judges should be appointed by the Governor of the Territory, in which event it is pretty plain that Judge Humphreys would have never been elevated to the bench. At the last moment, and it was supposed against insurmountable odds, Representative Shaforth of Colorado had the amendment put in that these Judges should be appointed by the President. That made Judge Humphreys's appointment possible. He then turned around and used his position as Judge to influence the nullification of a law which was passed by a Legislature that is more in accord with him than with Governor Dole.

HILO'S BREAKWATER.

Mr. Phillip Peck of Hilo, whose brief visit in the city was mentioned in my last letter as at the New Willard Hotel, has returned again and will be here some days. He went to New York with Mrs. Peck, leaving her there to visit with a sister while he pursues his mission here before committees of Congress. He has been piloted around the Capitol by Representative Stark of Nebraska, with whom he became acquainted some years ago, when Judge Stark visited Hawaii. Mr. Peck comes here in behalf of the citizens of Hilo, who want the harbor surveyed for a breakwater. The bank of which he is president voted to pay the expenses of his trip, because of the good patronage of business men of Hilo, who are vitally interested in the breakwater project. Mr. Peck says he and his wife had a pleasant trip across the Pacific, having come on the ship Enterprise, which used oil as fuel. He has been working quietly but industriously and effectively here, saying a good word on every hand in behalf of Hilo without at all disparaging Honolulu.

Mr. Peck has arranged for a hearing before the Senate committee on commerce regarding the breakwater project. It is too late for any action of Congress at this session, as the river and harbor bill has passed both houses and is now in conference. But Mr. Peck hopes to interest prominent legislators in the matter and possibly to have some beginning made by one of the departments. He went to Chairman Foraker of the committee on the Pacific Islands and Porto Rico, to whom he explained the great need of a new postoffice building at Hilo. It is understood to have been chiefly through Mr. Peck's efforts that the amendments regarding public buildings at Hilo and Honolulu were put on the omnibus public building bill. He does not know just how long he will remain here but he wants to discuss these different topics as widely as possible and also to try to interest officials in having the Federal Government maintain the light-houses along the coasts of the Territory and also to establish more light-houses. He attended a hearing last Monday morning before the committee on the Pacific Islands and Porto Rico, touching the fire claims. He would have spoken in behalf of the claims had there been more time.

PRATT WORKING HARD

Mr. Pratt made quite an extended statement at that hearing and there is understood to be some sentiment in the committee favorable to putting these claims on the general deficiency bill as an amendment. The best opinion is that this will be done. Mr. Pratt is working industriously to that end. The all important question, however, is whether it will stay on in conference. The Hawaiians here are very much afraid it will not.

TRAMWAYS JIG IS UP.

Delegate Wilcox has asked for a talk with the committee on territories before he leaves for Hawaii. He told me this afternoon that the jig was up as far as the tramways bill is concerned. "The bill was drawn in Hawaii and sent to me," said he. "But they must wait. We can't do anything here. The Legislature will soon be in session again and they can present their bill before that body. The Legislature can do what it pleases with the measure. Congress won't act."

IMMIGRATION

The question of the operation of the immigration bill, which the House has been considering this week, upon Hawaii was broached briefly the other day in debate. It seems settled that the bill does apply to Hawaii in any particular but the following colloquy in the debate may be worth mentioning. Mr. Robinson of Indiana—I see that by a section of the bill that it provides "United States" shall be construed to mean territories over which the United States has jurisdiction. What is the operation of the law, first, with reference to Hawaii?

Mr. Shattuc—It takes in Hawaii.

Mr. Robinson of Indiana—With reference to the immigration from the Territory of Hawaii how would it apply?

Mr. Shattuc—I would like to call upon some of the great lawyers upon the committee to state that.

Mr. Kleberg—It would apply.

Mr. Robinson of Indiana—Would it apply to immigration to the Philippine Islands?

Mr. Shattuc—Not from the United States.

Mr. Robinson of Indiana—From other countries?

Mr. Shattuc—It applies to all other countries equally and to all of our new possessions equally.

Mr. Robinson of Indiana—Then under it you can not either receive Japanese or Chinese in the Philippine Islands?

Mr. Shattuc—No.

STATUS OF THE BREWERY ITEMS FROM THE COAST

The Anti-Saloon People Gossip About People Known in This Capital.

June 3, 1902.

To the Editor of The Advertiser: The included communication was prepared for your paper and was suppressed when the writers heard of the contempt proceedings against Treasurer Wright. We would respectfully request that you give it space in toto in view of subsequent history.

Honolulu, May 23, 1902.

We notice in the issue of your paper of May 21 an article headed, "The Brewery's Defense." As this article makes no reference to any particular attack, we write for the sake of having the issue clearly defined. What are the brewery's rights? Did the present brewery inherit the franchise of the original brewery situated at Kalia, on the premises of Mr. Waller, which franchise was issued under the law of 1887? If so, their franchise has ceased. If this is not the case, we would ask, why have the Treasurer and the Attorney General been much worried as to their right to renew this franchise? Is not the rumor correct that an actual release has been given by the Treasurer? If so, when did the Legislature confer such powers upon the Treasurer? If, which seems to be the plain every-day interpretation of the law, the Honolulu Brewing and Maltting Company went into business, taking the risk of a short, unexpired term of an old franchise, they do not deserve the sympathy of the business community. We submit to all thinking men, until such time as the court has decided it, that the Legislature at the time of granting the franchise had one company in view (which afterwards failed) and the Honolulu Brewing and Maltting Company started into business on the basis of this particular franchise. We further submit that all references to prominent business houses here, in the article of yesterday, were irrelevant.

It is noted that Manager Hooking is quoted as admitting that "according to the decision of Judge Estee, the licenses of the Primo saloons may not be renewed." We ask whether these saloons hold any valid license at the present time? The injunction leaves them no legal footing from the time of its issuance, and says nothing about the renewing of licenses. One of the grave questions in controversy is this: "Why is not this injunction put into operation, or at least tested?" It is herein submitted, likewise, that it is irrelevant to discuss the relative merits of beer and wine or spirits. The question is one of law and order, and resolves itself into these simple propositions:

First—Have the Primo beer saloons any more rights than the sellers of "swipes"?

Second—Has the Honolulu Brewing and Maltting Company any more rights than the makers of "okolehao"?

Though much might be said on the subject, the relative harm in these different beverages is a matter not under discussion at this time. It is the earnest desire of the undersigned gentlemen that the public should not only see the issue clearly, but that from the editorial chair and elsewhere there may come further light on the real merits of this question.

Thanking you for the space, we are, yours very truly,

THEODORE RICHARDS,
J. LEADINGHAM,
A. V. SOARES,
Committee.

What has happened since is somewhat perplexing. Is what has been styled "contempt" no longer contempt? Has the Treasurer satisfied the court on this point? Does delay or neglect on the part of the prosecution nullify the effect of an injunction? These are plain questions which have little to do with the merits or demerits of beverages and should be answered.

Thanking you for your space and hoping for satisfactory answers from some source, we are, in the interest of law and order,

THE ABOVE NAMED GENTLEMEN.

Hawaiian Federal Buildings

WASHINGTON, D. C., May 22.—The Senate has authorized a commission to inquire into the need of public buildings at Honolulu and Hilo.

Mr. Robinson of Indiana—The provision excludes them as it would from the United States.

Mr. Shattuc—Certainly.

CABLE, CANAL AND FIRE CLAIMS

Some protracted hearings before the House committee on rules, of which Speaker Henderson is chairman, have led to a decision to consider the Pacific cable bill, as the press dispatches have stated. Mr. Corliss, who is vigorously fighting the enactment of any bill in behalf of construction by private capital, argued before the committee, as did Chairman Hepburn of Iowa, who is opposed to Mr. Corliss' plan. The decision is by no means regarded as a blow at the Commercial Pacific Company, for the majority of the House is understood to be against Mr. Corliss' schemes. It is altogether pretty certain that the matter will be left in shape favorable to the laying of the cable already under construction.

Developments before the Senate have also been favorable to the consideration of the canal bill there and it looks now very much as though some sort of a canal bill will be passed.

Representative Kahn of San Francisco has presented to the House committee on territories a petition of the San Francisco Chamber of Commerce, Manufacturers and Producers Association of California, and the San Francisco Board of Trade, favoring the payment of claims of citizens of Hawaii whose property was destroyed in the effort to suppress the bubonic plague.

ERNEST G. WALKER.

(Special to the Advertiser.)

SAN FRANCISCO, May 27.—Governor Dole will sail from here for Honolulu on next Saturday, the 31st. He is now visiting in Alameda, and possibly on account of this suburban residence, will not be the recipient of as many social honors as if he had stayed in this city. There were several dinners and other affairs being arranged for the distinguished Hawaiian's honoring, which will perhaps have to be called off on account of Dole's desire to remain quietly in the hamlet across the bay.

The new Bishop of Honolulu, Rev. H. B. Restarick, has returned to his home in San Diego after attending the Episcopal diocesan convention at Cincinnati. Bishop Restarick had been selected for appointment by President Roosevelt to find a site for an Indian reservation near Southern California, and had taken a deep interest in the matter. Now however he feels it his duty to hasten to Honolulu to take up the work of his high office there. He has written to the President asking that his name be withdrawn, as he will not be able to remain in California long enough to do justice to the commission.

Raffaello Martini, a wealthy cattleman of Half Moon Bay, a bay town near San Francisco, has bought the famous Twin Fir vineyard at Vine Hill, Cal., which was owned by Castle & Cooke of Honolulu. The purchase price was \$12,500. The ranch includes 90 acres, mostly set in wine grapes of the best French varieties, and all trellised. The price paid by Martini does not represent nearly the money which has been spent by Castle & Cooke in experimenting with different varieties of grapes.

News has been received here of the marriage in Honolulu of Frank W. Smith, formerly of the California Hotel, says the Bulletin. His bride was a Miss McCully and she is said to be one of the prettiest and richest women in the island. She is the only child of a wealthy mother and has already had a fortune of \$40,000 bestowed upon her. Smith came here from Santa Clara about three years ago. He had been a clerk for a time at the Sea Beach Hotel and again at the Hotel Del Monte. On his arrival in San Francisco he accepted employment at the California and for nearly a year was one of the chief clerks of that hotel. Two years ago he left the California and accepted a position in the Royal Hawaiian hotel in Honolulu. While occupying that position he became acquainted with Miss McCully and after a year's courtship won her as his bride. The marriage was celebrated a fortnight ago, and the cards of the newly married couple have just reached this city. About the time Smith took Miss McCully as his bride he had the further fortune of being promoted to the position of manager of the Royal Hawaiian hotel. He succeeded George W. Lake, who retired from the management on May 1.

The Bulletin society editors says: Numerous affairs will be given at Honolulu in honor of Mr. and Mrs. William Irwin upon their arrival the latter part of the week. For nearly twelve years the Irwin mansion was the gathering place for every social and business society. Did a stranger of any note visit the islands, letters to Mr. and Mrs. Irwin were the first presented, and having the entire there it was enough. When Mr. and Mrs. Seawell took up their residence there the families were most intimate, and the combination was a very strong one. Never in the history of Hawaii was there so much going on in the social line, and with such two bright women at the head there was nothing lacking to make the times remembered for many years to come. I fancy the laughter loving, mirth inspiring Mrs. Seawell must often in her home in conventional Bath sigh for the dolce-far niente life in her wave-washed home of the Pacific.

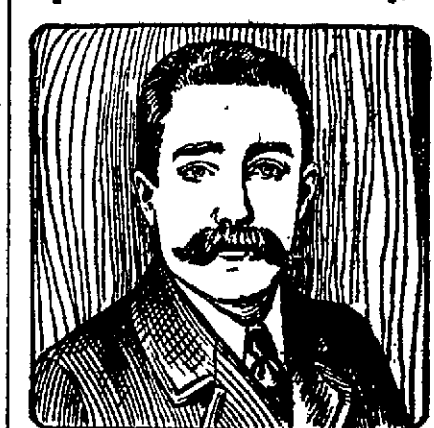
The Town Talk says of Organist Stewart, whose oratorio, "The Nativity," was recently sung in Honolulu. H. J. Caworth is soon to return to his native city of Bohemia. Cultured Boston was all right for a change, but the great organist longs for the society of his old friends and he has found that the pleasant associations of many years cannot be replaced. The news of his intention to return came in a letter to a friend a few days ago. He states that his contract with Trinity church, Boston, does not expire until September 1st, and that he has already notified the authorities that he does not wish to renew it, thereby giving them ample opportunity to find another organist. But they will find it hard to secure another Stewart, for he is one of the best organists in the country; and he met with great professional success in Boston. To his friend he wrote: "I suppose I lived too long in California, even to become reconciled to life elsewhere." He expects to be back by July 1st, believing that a successor may be engaged before that day. It seems curious that an Englishman should grow tired of Boston, which is the most English city in the United States. But Dr. Stewart is not the only one who has preferred San Francisco to either Boston or London. Bohemia will gladly welcome him for his music and music were much missed at the club jinks. Dr. Stewart possesses the knack of setting any kind of verses to music and his services were always in demand for everything in the line of melody from chants to ragtime. His fame as a composer is not by the way, confined to the Bohemian Club or San Francisco. His church compositions are in the repertoire of choirs in other cities, and his oratorio "The Nativity" was recently sung in Honolulu.

I look to see his opera some day in the regular repertoire of stock operatic companies. Their production was in every instance successful, but their popularity proved evanescent and not by any means commensurate with the merit of the works. Horace Craft went east Saturday after a jolly time here. On his return from Ohio, a dinner is to be given him by Superior Judge F. C. Hebbard of this city, who remembers the courtesy of Craft when he (Hebbard) was seasick on a trip from Honolulu to Hilo. Craft may not return to Honolulu at all, but may go into business here.

Captain Rosehill and W. C. Peacock are here together and are investigating

No Strength

Are you easily tired? Is your work a burden? Do you often feel weak and faint? Is your appetite poor? Are you easily discouraged? Then your nerves are weak and your blood impure. Sickness is not far away.



Mr. Frederick Devigne, of Claremont, Cape Colony, South Africa, sends his photograph and this letter: "My blood often becomes impure, causing eruptions on the skin, and my general system gets all run down, causing indigestion and great debility. But I take Ayer's Sarsaparilla, which quickly brings me out of my troubles. For all those who are debilitated and weakened by the long, hot summers of our country, there is no remedy equal to this grand family medicine."

AYER'S Sarsaparilla

There are many imitations "Sarsaparillas." Be sure you get Ayer's.

Always keep your bowels in good condition with Ayer's Pills. They are purely vegetable, act on the liver, and cure constipation, biliousness, sick headache, and all liver troubles.

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

HOLLISTER DRUG CO., Agents.

WILL PAY MERCHANTS

Fire Commission Charges a Fee.

(From Wednesday's Daily.)

The court of fire commissioners completed their labors yesterday morning, and will file their awards as soon as the remainder of the certificates have been signed. As a final climax to their labors the commission devised a way by which they will pay back the \$4000 borrowed from the Honolulu merchants a few months ago to carry the work of the fire court to the end. This will be done by a charge of a small fee to each claimant when he receives the certificate of award.

Following the completion of their labors yesterday morning the fire commissioners called upon Governor Cooper and so reported, receiving the thanks of the acting executive.

Notices of the awards in a good many cases are already in the hands of Auditor Austin, and as soon as they are announced by the fire courts the certificates will be given out. The awards will be announced within a few weeks, and only a small number will be given out each day, so that neither auditor nor commission will be overworked. All the awards have now been signed excepting five books by Commissioner F. J. Testa. J. G. Pratt, who is now in Washington, has not signed, but as it requires only a majority of the signatures of the commissioners to make the award legal and binding, there will be no delay because of his absence. The commission examined over 6700 claims, and the total of the awards will reach into the millions. The appropriation made by the legislature was but \$1,500,000, but the awards of the court will be more than that sum it is thought, as Commissioner Pratt has asked for an appropriation from Congress of \$3,000,000. This was the aggregate of the claims filed, but the court reduced this amount considerably, and it would not be a great surprise if the final award showed that the total awards were within the estimate of the legislature, or at least not in excess of \$2,000,000.

The certificates of award will now be placed in the hands of the auditor, who in turn will make out the warrants upon the treasurer. These warrants will be payable in one, two and three years respectively, so that as a matter of fact the claims are not payable for one year yet.

Undoubtedly, however, the warrants can be discounted at the local banks, as has been done in other cases.

Following the signing of the records of judgments the commission went into executive session, when the following resolution was introduced by Commissioner Kepokai, by which it is hoped to secure a sufficient return for the payment of the expenses of the commission in excess of the appropriation:

That the chairman be and is hereby empowered to oversee the clerk in compiling the records and other clerical work of the commission; to make up a financial statement of the receipts and disbursements of the commission; to make up a general report of the work of the commission to the governor; to issue certificates of awards to claimants; and to collect a fee for each certificate of award based upon the following schedule:

Awards of \$50 and under\$0 25
Awards of \$50 and under 50
Awards of \$500 and under 1 00
Awards of \$500 and over 4 00

And from the proceeds of the above and any other funds of the commission to liquidate all the debts in connection with the commission, including the advances to the commission by the merchants of Honolulu to the amount of \$4000, and interest thereon at the rate of 4 per cent per annum, together with such other expenses incurred and necessary to be incurred incident to the closing up of the work of this commission.

The resolution was seconded by Commissioner Lovekin and passed, all voting in favor of it, and the following amendment:

Awards of \$50 and under\$0 25
For every \$50 or fraction thereof from \$50 to \$500 25
Awards of \$500 to \$2500 60
For every \$100 or fraction thereof from \$500 to \$2500 60
For every \$100 or fraction thereof from \$2500 and upwards 75

There being no second the original motion was adopted. An estimate of the returns under the fee rule has been made, and the commissioners expect to be able to pay from it all the expenses of the court in excess of the appropriation, including the \$4000 borrowed from Honolulu merchants.

ROYAL RECORDS OF THE BABYLONIANS

NEW YORK, May 25.—A cable to the World from Paris says that Professor Morgan, the archaeologist, has succeeded in deciphering the records of King Kammouradi of Babylon, a contemporary of Abraham. Law books written on clay were discovered by a French exploration party digging up the ancient city of Susa, and these form the principal attraction of the archaeological exhibition at the Grand Palais, which opened May 12th. Parts of the code deciphered by the professor deal with criminal, civil and commercial law. Here are extracts from the fundamental laws of the ancient Babylonian kingdom.

"The man who robs a house after shall be thrown into fire."

"The burglar discovered in the act has forfeited his life if he carries weapons on his body. He shall be buried on the spot where he entered the house."

"He who destroys a fruit tree shall be fined ten pieces of silver."

"He who drives another man's ox to death shall give ox for ox."

"He who injures an animal shall be fined half the worth of the animal."

"A woman inheriting a house, field or orchard from her husband must not be molested in her possessions, which she shall be free to leave to her favorite son. Her husband's children shall not be entitled to fight her testament."

"He who enters into a contract without witnesses or without any instrument in writing shall not be allowed to carry his case before the courts."

WOMAN'S BOARD MEETS IN ANNUAL SESSION

Varied Reports of Year's Work Were Read. Loving Tokens for "Mother" Castle and Mrs. Hiram Bingham.

(From Wednesday's daily.)

THE Woman's Board of Missions sat in annual session in Central Union Church yesterday morning and afternoon, where the work of the splendid organization was told in reports, addresses and statistics, and when the benediction was said in the afternoon the members departed from the church edifice impressed with the grandeur of the results of the early missionary zeal which left the board such a field of action. The morning was devoted to the reading of numerous reports, and at noon there was an intermission for an hour and a half, during which time a delicious luncheon was served in the lecture room, at which were present nearly three hundred persons. In the afternoon there was an election of officers for the ensuing year, an address by the president, and a detailed statement of the work proposed for the coming year. A number of missionaries from the steamship Coptic who are en route to Japan and China were present and gave interesting accounts of the countries in which they had taken up their work.

A beautiful feature of the afternoon session was the gentle touch of sisterly love exhibited by the members to Mrs. Hiram Bingham, who was unable to be present, and to Mother Castle, who spoke a few words of encouragement to the board. The tokens of remembrance were in the form of clusters of lilies, one of which was given to Rev. Hiram Bingham to convey to his wife. At each presentation the entire audience rose to its feet and stood silently during the affecting ceremony.

The platform was prettily decorated with flowers, lilies being in abundance, with potted ferns in sharp contrast. Upon the platform were Mrs. Hyde, who presided; Mrs. Coan, Mrs. S. E. Bishop and Miss Sheeley.

For the coming year the following officers, whose nominations were duly brought before the meeting and voted upon favorably, will serve:

President—Mrs. C. M. Hyde.

Vice Presidents—Mrs. Hiram Bingham, Miss M. A. Chamberlain, Mrs. S. E. Bishop, Mrs. W. M. Kincaid, Mrs. Theo. Richards, Mrs. J. A. Cruzan, Hilo, Hawaii; Mrs. W. H. Rice, Lihue, Kauai; Mrs. R. F. Engle, Pala, Maui.

President Missionary Gleaners—Mrs. Giles Gero.

President Pauahi Band—Miss Ida M. Pope.

President Lima Kokua—Miss Nelbel.

Recording Secretary—Miss Margaret L. Sheeley.

Home Corresponding Secretary—Mrs. Dr. N. L. Moore.

Foreign Corresponding Secretary—Mrs. C. H. Dickey.

Treasurer—Mrs. B. F. Dillingham.

Auditor—Mr. W. W. Hall.

Departments—

Superintendent of Work Among Hawaiians—Miss Laura Green.

Superintendent of Work Among Chinese—Mrs. F. W. Damon.

Superintendent of Work Among Portuguese—Mrs. A. V. Soares.

Superintendent of Work Among Japanese—Mrs. O. H. Gulick.

Trustees of Permanent Fund—Mrs. S. M. Damon, Mrs. B. F. Dillingham, Mrs. J. E. Atherton.

With the exception of one or two changes, the officers and heads of departments are about as they were last year.

For the work of the board for the coming year, especially with regard to the literary portion of the monthly meetings, excellent programs have been prepared. Mrs. Theodore Richards, chairman of the committee on work for the next year, reported as follows yesterday afternoon:

WORK FOR NEXT YEAR.

Your committee on work desire to present the following report for the coming year. We have endeavored in mapping out the program for this year to add to the interest and value of our meeting by bringing more of the members into the working force.

The two additions to the programs of this year are first a committee of one, appointed for each meeting, to provide items of interest in Mission Fields, and second a table or bureau of exchange of Missionary literature.

We are hoping for more enthusiasm in this latter plan. Many of us subscribe for missionary magazines, who would be more than willing to pass them on, to be means of inspiration to those who do not see these magazines, and also to learn of branches of work which are not mentioned in our own particular papers. We ask all those who have such literature and are willing to loan it or pass it on to bring it up to the meetings monthly by month.

Please have your name plainly written in ink on all literature you wish to have returned. Mrs. W. W. Bristol of the Kamehameha Manual School has kindly consented to take charge of the exchange table.

The special collections taken up last year for the Armenian orphans and the Pundita Ramabai Association were so successful that we consider it wise to ask the ladies to repeat the offerings this coming year. They will be taken up as last year for the Armenians in October and for the Ramabai Association in January.

There will be no meetings held in July and August.

The following programs have been arranged for the monthly meetings during the coming year, subject to any changes that may be necessary:

September—Some Phases of Mission Work in Turkey. Mrs. J. H. Richards; Items, Miss Belle Johnson. Report of Chinese Work; Report of Portuguese Work.

October—Forward Movement in Japan. Miss Eliza Talcott; Items, Mrs. Jonathan Shaw. Report of Hawaiian Work; Report of Japanese Work; Report of Missionary Gleaners; Special collection for Armenia.

November—Medical Work in the Orient by Oriental Women. Miss Flora Albright; Items, Mrs. W. E. Brown; Report of Chinese Work; Report of Portuguese Work; Report of Lima Kokua.

December—Present Conditions and

Needs of the Hawaiian Work. Mrs. O. P. Emerson; Items, Mrs. Marques; Report of Hawaiian Work; Report of Japanese Work; Report of Pauahi Band.

January—Qualifications for Missionary Work as Drawn from the Scriptures. Mrs. John Leaningham; Items, Mrs. S. A. Gilman; Report of Chinese Work; Report of Portuguese Work; Report of Missionary Gleaners; special collection for Pundita Ramabai Association.

February—The History of the Shansi Mission. Mrs. W. A. Bowen; Items, Miss Maria Forbes; Report of Hawaiian Work; Report of Japanese Work; Report of Lima Kokua.

March—Biographical Sketch, Mother Bissell of India. Miss M. I. Ziegler; Report of Chinese Work; Report of Portuguese Work; Report of Pauahi Band; Items, Miss C. B. Hyde.

April—Organized Missionary Endeavor among Young People. Mrs. C. A. McDonald; Items, Mrs. F. C. Atherton; Report of Hawaiian Work; Report of Japanese Work.

May—Book Review, Mrs. H. N. Castle; Items, Mrs. W. L. Whitney; Praise and Thank Offering.

June—Annual meeting.

THE FURTHER PROCEEDINGS.

It was decided to renew the appropriations of last year according to the recommendations of the treasurer.

Among the ladies who spoke during the afternoon were Mrs. McCully-Higgin, Mrs. Charles Bartlett, Dyke, Mother Castle, Mrs. C. M. Hyde, Mrs. Evans, a missionary passenger on the Coptic for Japan. Rev. Hiram Bingham gave an encouraging message to the board from Mrs. Bingham. Mrs. Dyke said that in the work which General Armstrong had done for the negroes of the South Hawaii had done right by the early missionary spirit in sending back persons to do good in the country whence came the first missionaries for the Islands. Mrs. Hyde's address was on "The Law of Compensation," and the paper was presented in an interesting manner, evoking much applause.

MORNING SESSION.

The exercises yesterday morning at 10 o'clock began with the singing of "Rock of Ages," following which a brief address was made by Miss Martha Chamberlain, the vice president. She spoke of the stir caused by the capture of Miss Stone by brigands, and the lesson the incident gave to all religious people. She recalled also the terrible disaster in Martinique, commenting upon the lesson the disaster contained for those who dwell in Hawaii, and reminded all to lean upon the Lord.

Reports were read by the home secretary, as well as by Mrs. A. V. Soares, superintendent of work among the Portuguese; Mrs. Gulick, superintendent of work among Japanese; Mrs. Frank Damon, superintendent of work among Chinese; Miss Laura Green, superintendent of work among Hawaiians.

Mrs. Gulick called attention to the custom among Japanese men on arriving here to go to plantations for work, leaving their wives here. A home for these women had been established on a small scale. There was need, however, for a home on a large scale. She mentioned the activity among the Buddhists, saying that the building of their temples was preventing missionary work among the Japanese. Miss Green emphasized the need of a kitchen where Hawaiian girls could be taught to cook. She believed that much moral good would come from its establishment.

The report of the recording secretary mentioned that for thirty years the board had not missed holding twelve meetings annually, but a departure was made this year by omitting the holding of meetings in the summer time, owing to the heat.

The report of Mrs. B. F. Dillingham, the treasurer, read by Mrs. Coan, was as follows: Balance on hand June 4, 1901, \$2832.35; amount raised this year, \$2234.35; expenditures, \$2237.50, balance, \$144.85.

Following the collection the meeting adjourned for lunch. The lunch was served in the lecture room where twenty tables had been prepared for the members of the board and the church members invited to be present. The tables were prettily decorated with flowers, and a number of ladies assisted the guests by waiting upon the tables. There was salad, cold meats, bread and butter, cake and coffee, all of which was home made or home cooked, and the edibles were thoroughly enjoyed. The lunch was in general charge of Mrs. Andrew Fuller. She was assisted by Mrs. Harry Lewis, Mrs. E. W. Peterson, Mrs. J. A. McCandless, Mrs. W. L. Whitney, Mrs. H. H. Williams, Mrs. Widdifield, Miss Margaret Hopper.

The Peace Conference.

LONDON, May 27.—The British Cabinet was in session for two hours today discussing the communications received from Pretoria since the meeting of the ministers on Friday last. It is understood that the inner committee of the Cabinet will telegraph the result of the deliberations to Pretoria this afternoon. The Boer delegates at the Transvaal capital will then probably return to Vereeniging and report to the Burghers, who are still assembled there.

HOW TO AVOID TROUBLE.

Now is the time to provide yourself and family with a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy. It is almost certain to be needed before the summer is over, and now in the night or in your busiest season it is everywhere admitted to be the most successful medicine in use for bowel complaints both for children and adults. No family can afford to be without it. For sale by all dealers and druggists. Benson, Smith & Co. Ltd., agents for Hawaii.

Abused the White Flag.

MANILA, May 27.—While Second Lieutenant Robert C. Humber, of the Tenth Infantry, and Sergeant Warkling, of the same regiment, were walking about six miles from Camp Vicksburg in Mindanao, they perceived a single Moro carrying a flag of truce. When the native had approached close to the Americans he suddenly drew his sword and slashed Sergeant Warkling, cutting his arm completely off. Lieutenant Humber attempted to shoot the Moro but his revolver missed fire and the native escaped in the tall grass.

General Davis, commander of the American forces in Mindanao, has reiterated his orders that no American soldiers are to leave camp unless in a party of at least eight men, who must be armed and prepared for any emergency.

Coronation Arrangements.

NEW YORK, May 27.—Coronation sea-faring now fills every thoroughfare on the route of the royal progress in June, save the London correspondent of the Tribune. The Abbey is hardly visible from Whitehall on account of the temporary barricades. Gradually the dates for the state events of the coronation have been assigned, and the Marchioness of Lansdowne and others are now arranging dinners and receptions for the remaining intervals. The Duke of Norfolk is doing the work of management but the king is consulted at every turn. He decides everything quickly and does not change his mind.

Jared Smith, special agent in charge of the Hawaiian Agricultural Station, has been notified that lavender and thyme seeds recently sent for by him, are on the way. W. S. Steele of the Department in Washington is of the opinion that the seeds will do well in Hawaii, but thinks that the labor question will be a serious one.

IS AGAINST THE BANK

Comptroller Calls For a New Election.

(From Wednesday's daily.)

(Special to The Advertiser.)

WASHINGTON, D. C., May 23.—There has been startling development in the affairs of the First National Bank of Hawaii at Honolulu. It has leaked out here that a new election for directors of the institution has been ordered by the office of the Comptroller of the Currency.

According to the information available, under date of May 12 President Brown of the bank was directed to immediately call a meeting of the stockholders for the purpose of electing directors. It is known that the office of the Solicitor for the Treasury has had under consideration several statements concerning the last annual meeting of the bank, and that a decision was sent to the Comptroller to the general effect that the meeting of January 14 was not properly held.

The instructions of Deputy and Acting Comptroller W. B. Ridges were mandatory upon the officers of the bank to proceed without delay to call the meeting of stockholders, as under rulings of the courts of Hawaii the grounds was cut from under the feet of the president of the bank in the matter of his rulings as to the majority of the stock.

It is understood further that Bank Examiner Knight of San Francisco has been directed to visit Honolulu and see that the instructions of the Comptroller of the Currency are carried out. Representatives of the Seligman of New York have been in close consultation with the Comptroller recently and it is understood strong influence has been brought to bear.

President Cecil Brown was asked by a reporter for The Advertiser yesterday if he had received any information from the office of the Comptroller of the Currency, in line with the above. He said emphatically that he had not had any instructions; that he "didn't know anything about it."

Colonel G. W. Macfarlane, who has had to do with the affairs of the bank in that he has represented the interests of the Anglo-Californian Bank of San Francisco, the parent body, and presented the proxies at the meeting of January 14, which were ruled out of order by the president, refused to discuss the matter.

The belief of people here is that there must have been exerted at Washington some strong influence to bring about such action on the part of the Comptroller.

Hawaiian Manifests.

WASHINGTON, May 26.—Senator Foster of Washington has received vigorous objections from Puget Sound shippers against what they think is an arbitrary Treasury ruling requiring manifests of goods shipped to Alaska or Hawaii, as though they were foreign ports. The shippers think this is an invasion of private business, and ask Foster to secure a modification or cancellation of the order. As a matter of fact, the Treasury is not responsible for the new condition which is created by a law recently passed and approved by the President requiring vessels carrying cargoes to non-contiguous territory of the United States, to furnish manifests. This is for the purpose of gathering statistics of such commerce. The bill was drawn up by O. P. Austin, chief of the bureau of statistics, and was introduced by Senator Frye and Representative Kahn. So long as the matter was optional with shippers they refused to furnish the customs officials with information. Now they must do so. Chief Austin said there was no intention to pry into private business and that such information would be kept inviolate. Under the new law it will be possible to ascertain the extent of the commerce between San Francisco and Hawaii and Alaska—something largely guessed at heretofore.

Abused the White Flag.

MANILA, May 27.—While Second Lieutenant Robert C. Humber, of the Tenth Infantry, and Sergeant Warkling, of the same regiment, were walking about six miles from Camp Vicksburg in Mindanao, they perceived a single Moro carrying a flag of truce. When the native had approached close to the Americans he suddenly drew his sword and slashed Sergeant Warkling, cutting his arm completely off. Lieutenant Humber attempted to shoot the Moro but his revolver missed fire and the native escaped in the tall grass.

General Davis, commander of the American forces in Mindanao, has reiterated his orders that no American soldiers are to leave camp unless in a party of at least eight men, who must be armed and prepared for any emergency.

Coronation Arrangements.

NEW YORK, May 27.—Coronation sea-faring now fills every thoroughfare on the route of the royal progress in June, save the London correspondent of the Tribune. The Abbey is hardly visible from Whitehall on account of the temporary barricades. Gradually the dates for the state events of the coronation have been assigned, and the Marchioness of Lansdowne and others are now arranging dinners and receptions for the remaining intervals. The Duke of Norfolk is doing the work of management but the king is consulted at every turn. He decides everything quickly and does not change his mind.

Abused the White Flag.

MANILA, May 27.—While Second Lieutenant Robert C. Humber, of the Tenth Infantry, and Sergeant Warkling, of the same regiment, were walking about six miles from Camp Vicksburg in Mindanao, they perceived a single Moro carrying a flag of truce. When the native had approached close to the Americans he suddenly drew his sword and slashed Sergeant Warkling, cutting his arm completely off. Lieutenant Humber attempted to shoot the Moro but his revolver missed fire and the native escaped in the tall grass.

Coronation Arrangements.

NEW YORK, May 27.—Coronation sea-faring now fills every thoroughfare on the route of the royal progress in June, save the London correspondent of the Tribune. The Abbey is hardly visible from Whitehall on account of the temporary barricades. Gradually the dates for the state events of the coronation have been assigned, and the Marchioness of Lansdowne and others are now arranging dinners and receptions for the remaining intervals. The Duke of Norfolk is doing the work of management but the king is consulted at every turn. He decides everything quickly and does not change his mind.

Coronation Arrangements.

NEW YORK, May 27.—Coronation sea-faring now fills every thoroughfare on the route of the royal progress in June, save the London correspondent of the Tribune. The Abbey is hardly visible from Whitehall on account of the temporary barricades. Gradually the dates for the state events of the coronation have been assigned, and the Marchioness of Lansdowne and others are now arranging dinners and receptions for the remaining intervals. The Duke of Norfolk is doing the work of management but the king is consulted at every turn. He decides everything quickly and does not change his mind.

Coronation Arrangements.

NEW YORK, May 27.—Coronation sea-faring now fills every thoroughfare on the route of the royal progress in June, save the London correspondent of the Tribune. The Abbey is hardly visible from Whitehall on account of the temporary barricades. Gradually the dates for the state events of the coronation have been assigned, and the Marchioness of Lansdowne and others are now arranging dinners and receptions for the remaining intervals. The Duke of Norfolk is doing the work of management but the king is consulted at every turn. He decides everything quickly and does not change his mind.

Coronation Arrangements.

NEW YORK, May 27.—Coronation sea-faring now fills every thoroughfare on the route of the royal progress in June, save the London correspondent of the Tribune. The Abbey is hardly visible from Whitehall on account of the temporary barricades. Gradually the dates for the state events of the coronation have been assigned, and the Marchioness of Lansdowne and others are now arranging dinners and receptions for the remaining intervals. The Duke of Norfolk is doing the work of management but the king is consulted at every turn. He decides everything quickly and does not change his mind.

Coronation Arrangements.

NEW YORK, May 27.—Coronation sea-faring now fills every thoroughfare on the route of the royal progress in June, save the London correspondent of the Tribune. The Abbey is hardly visible from Whitehall on account of the temporary barricades. Gradually the dates for the state events of the coronation have been assigned, and the Marchioness of Lansdowne and others are now arranging dinners and receptions for the remaining intervals. The Duke of Norfolk is doing the work of management but the king is consulted at every turn. He decides everything quickly and does not change his mind.

Coronation Arrangements.

NEW YORK, May 27.—Coronation sea-faring now fills every thoroughfare on the route of the royal progress in June, save the London correspondent of the Tribune. The Abbey is hardly visible from Whitehall on account of the temporary barricades. Gradually the dates for the state events of the coronation have been assigned, and the Marchioness of Lansdowne and others are now arranging dinners and receptions for the remaining intervals. The Duke of Norfolk is doing the work of management but the king is consulted at every turn. He decides everything quickly and does not change his mind.

Coronation Arrangements.

NEW YORK, May 27.—Coronation sea-faring now fills every thoroughfare on the route of the royal progress in June, save the London correspondent of the Tribune. The Abbey is hardly visible from Whitehall on account of the temporary barricades. Gradually the dates for the state events of the coronation have been assigned, and the Marchioness of Lansdowne and others are now arranging dinners and receptions for the remaining intervals. The Duke of Norfolk is doing the work of management but the king is consulted at every turn. He decides everything quickly and does not change his mind.

SKIN TORTURES

And Every Distressing Irritation of the Skin
and Scalp Instantly Relieved by a
Bath with CUTICURA SOAP

And a single anointing with CUTICURA, the great skin cure and purifier of emollients. This is the purest, sweetest, most speedy, permanent, and economical treatment for torturing, disfiguring, itching, burning, scaly, crusted, and pimply skin and scalp humors with loss of hair, and has received the endorsement of physicians, chemists, and nurses throughout the world.



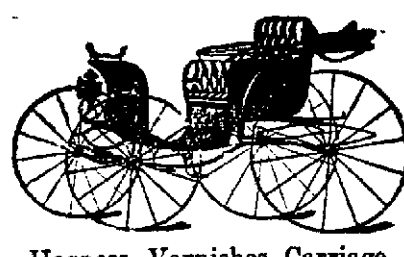
Millions of Women

USE CUTICURA SOAP, exclusively, for preserving, purifying, and beautifying the skin, for cleansing the scalp of crusts, scales, and dandruff, and the stopping of falling hair, for softening, whitening, and soothing red, rough, and sore hands, in the form of bath for annoying irritations, inflammations, and chafings, or too free or offensive perspiration, in the form of washes for ulcerative weaknesses, and for many sensitive antiseptic purposes which readily suggest themselves to women, and especially mothers, and for all the purposes of the toilet, bath, and nursery. No amount of persuasion can induce those who have once used it to use any other, especially for preserving and purifying the skin, scalp, and hair of infants and children. CUTICURA SOAP combines delicate emollient properties derived from CUTICURA, the great skin cure, with the purest of cleansing ingredients and the most refreshing of flowerodors. No other medicated soap ever compounded is to be compared with it for preserving, purifying, and beautifying the skin, scalp, hair, and hands. No other foreign or domestic toilet soap, however expensive, is to be compared with it for all the purposes of the toilet, bath, and nursery. Thus it combines in ONE SOAP the BEST OF ALL SOAPS, the inner skin and complexion soap, the BEST toilet soap and BEST baby soap in the world.

Complete External and Internal Treatment for Every Humour.
Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften the thickened cuticle, CUTICURA Ointment, to instantly allay itching, inflammation, and soothe and heal, and CUTICURA Resolvent, to cool and cleanse the blood. A Soreness Ery is often sufficient to cure the most torturing disfiguring, and humbling skin, scalp, and blood humours, with loss of hair, when all else fails. Sold throughout the world. Aust. Depot: E. Towns & Co., Sydney, N. S. W. So. African Depot: LEWIS & LLOYD, Cape Town. "All about the Skin, Scalp, and Hair," free. FORTNA DAVE AND CHEM. CO., Sole Props., Boston, U. S. A.

A GOOD TOP BUGGY, \$100.00

WAGONS,
PHAETONS,
BRAKES,
SURREYS,
BUGGIES,
RUNABOUTS.



Harness, Varnishes, Carriage Material, Iron Horse Shoes.

PACIFIC VEHICLE AND SUPPLY CO.

Day Block, Beretania Street, Honolulu.

WRITE OUR ILLUSTRATED CATALOGUE AND
US FOR OUR ILLUSTRATED CATALOGUE PRICES

Pacific Mail Steamship Co.

Occidental & Oriental S. S. Co.
and Toyo Kisen Kaisha.

Steamers of the above companies will call at Honolulu and leave this port on or about the dates below mentioned:

FOR CHINA AND JAPAN:		FOR SAN FRANCISCO:	
COPTIC	JUNE 8	PEKING	MAY 22
AMERICA MARU	JUNE 11	GAELIC	JUNE 7
HONGKONG MARU	JUNE 13	HONGKONG MARU	JUNE 12
JALIC	JUNE 19	CHINA	JUNE 21
HONGKONG MARU	JULY 6	DORIC	JUNE 23
CHINA	JULY 15	NIPPON MARU	JULY 2
DORIC	JULY 23	PERU	JULY 11
NIPPON MARU	JULY 31	COPTIC	JULY 12
PERU	AUG. 8	AMERICA MARU	AUG. 1
COPTIC	AUG. 16	PEKING	AUG. 11
AMERICA MARU	AUG. 23	GAELIC	AUG. 12
		HONGKONG MARU	AUG. 13